

By Representative Logan

1 A bill to be entitled
2 An act relating to the creation of Opa-locka
3 County; amending s. 7.13, F.S.; revising the
4 boundary of Miami-Dade County; creating s.
5 7.475, F.S.; providing for the creation of the
6 county as described in the act; providing for
7 the county seat; amending s. 26.021, F.S.;
8 including Opa-locka County within the eleventh
9 judicial circuit; amending s. 34.022, F.S.;
10 revising the number of judges in Miami-Dade
11 County and providing for judges in Opa-locka
12 County; reenacting s. 35.04, F.S., to
13 incorporate a cross reference; providing for
14 districts; providing for officers; providing
15 for commission meetings; providing for school
16 board meetings; providing for courts; providing
17 for transfer of causes; providing for
18 transcript of records by the clerk of the
19 circuit court; providing for the sheriff;
20 providing for a transcript of records by the
21 property appraiser; providing for duties of the
22 property appraiser; providing for the
23 compensation of the property appraiser;
24 providing for certain tax collections;
25 providing for tax redemptions; providing for
26 the proration of certain indebtedness;
27 providing for the supervisor of elections;
28 providing for the disposition of certain
29 incarcerated persons; providing for a jury
30 list; providing a savings clause; providing a
31 referendum.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Section 7.13, Florida Statutes, is amended
4 to read:

5 7.13 Miami-Dade ~~Dade~~ County.--The boundary lines of
6 Miami-Dade ~~Dade~~ County, excluding that portion of Miami-Dade
7 County which comprises Opa-locka County as described in s.
8 7.475, are as follows: Beginning at the southwest corner of
9 township fifty-one south, range thirty-five east; thence east
10 following the south line of township fifty-one south, across
11 ranges thirty-five, thirty-six, thirty-seven, thirty-eight,
12 thirty-nine and forty east, to the southwest corner of
13 township fifty-one south, range forty-one east; thence north
14 on the range line dividing ranges forty and forty-one east to
15 the northwest corner of section thirty-one, township fifty-one
16 south, range forty-one east; thence east on the north boundary
17 of said section thirty-one and other sections to the waters of
18 the Atlantic Ocean; thence easterly to the eastern boundary of
19 the State of Florida; thence southward along the coast,
20 including the waters of the Atlantic Ocean and the gulf stream
21 within the jurisdiction of the State of Florida, to a point on
22 the reefs of Florida immediately opposite the mouth of Broad
23 Creek (a stream separating Cayo Lago from Old Rhodes Key);
24 thence in a direct line through the middle of said stream to a
25 point east of Mud Point, said point being located on the east
26 line of the west one half of section seven, township
27 fifty-nine south, range forty east, at a distance of two
28 thousand three hundred feet, more or less, south of the
29 northeast corner of the west one half of said section seven
30 being a point on the existing Miami-Dade ~~Dade~~ County boundary
31 line as established by s. 7.13; thence run southerly along the

1 east line of the west one half of said section seven, township
2 fifty-nine south, range forty east, to a point two thousand
3 feet, more or less, north of the south line of said section
4 seven; thence run westerly along a line parallel to the south
5 line of said section seven, through the open water midway
6 between two islands lying in the west one half of said section
7 seven to a point on the west line of section seven, township
8 fifty-nine south, range forty east; thence run southerly for a
9 distance of two thousand feet, more or less, to the southwest
10 corner of said section seven; thence run southerly along the
11 west line of section eighteen, township fifty-nine south,
12 range forty east, to the southwest corner of said section
13 eighteen; thence run in a southwesterly direction along a
14 straight line to the southwest corner of section twenty-four,
15 township fifty-nine south, range thirty-nine east; thence run
16 southerly along the east line of section twenty-six, township
17 fifty-nine south, range thirty-nine east, to the southeast
18 corner of said section twenty-six; thence run southerly along
19 the east line of section thirty-five, township fifty-nine
20 south, range thirty-nine east, to a point of intersection with
21 a line drawn parallel with the north line of said section
22 thirty-five and through the open water midway between Main and
23 Short Key; thence run westerly along a line parallel to the
24 north line of said section thirty-five, through the open water
25 midway between Main and Short Key to a point on the west line
26 of section thirty-five and a point on the east line of section
27 thirty-four, township fifty-nine south, range thirty-nine
28 east; thence run southwesterly in a straight line to the
29 southwest corner of the southeast quarter of said section
30 thirty-four and the northeast corner of the northwest quarter
31 of section three, township sixty south, range thirty-nine

1 east; thence run southerly along the east line of the
2 northwest quarter of said section three to the southeast
3 corner of the northwest quarter of said section three; thence
4 run westerly along the south line of the northwest quarter of
5 said section three to the southwest corner of the northwest
6 quarter of said section three; thence run westerly to a point
7 on the northerly bank of Manatee Creek at the easterly mouth
8 of said Manatee Creek; thence run westerly meandering the
9 northerly bank of Manatee Creek to the intersection thereof
10 with the west right-of-way line of United States Highway No.
11 1, said right-of-way line being the east boundary of the
12 Everglades National Park and said north bank of Manatee Creek
13 being the southerly line of the mainland of the State of
14 Florida and the existing boundary line between Miami-Dade ~~Dade~~
15 County and Monroe County; thence along the mainland to the
16 range line between ranges thirty-four and thirty-five east,
17 thence due north on said range line to place of beginning.
18 However, the boundary lines of Miami-Dade ~~Dade~~ County shall
19 not include the following: Begin at the northwest corner of
20 section thirty-five, township fifty-one south, range forty-two
21 east, Miami-Dade ~~Dade~~ County, Florida; thence, southerly
22 following the west line of section thirty-five, township
23 fifty-one south, range forty-two east to the intersection with
24 a line which is two hundred and thirty feet south of and
25 parallel to the north line of section thirty-five, township
26 fifty-one south, range forty-two east; thence, easterly
27 following the line which is two hundred and thirty feet south
28 of and parallel to the north line of section thirty-five,
29 township fifty-one south, range forty-two east, to the
30 intersection with the west boundary line of the Town of Golden
31 Beach; thence, northerly following the west boundary line of

1 the Town of Golden Beach to the intersection with the north
2 line of section thirty-five, township fifty-one south, range
3 forty-two east; thence, westerly following the north line of
4 section thirty-five, township fifty-one south, range forty-two
5 east to the point of beginning.

6 Section 2. Section 7.475, Florida Statutes, is created
7 to read:

8 7.475 Opa-locka County created; county seat.--

9 (1) The County of Opa-locka be, and the same is hereby
10 created and established as a county of the state, effective
11 upon ratification at the referendum election provided for in
12 this act. Such county shall comprise and include all of the
13 territory which is described as follows, to wit:

14
15 That portion of Miami-Dade County as follows:

16
17 Commencing at the NORTHEAST corner of Section
18 22, Township 52 South, Range 41 East, for the
19 point or place of beginning; thence run West to
20 the NORTHWEST corner of Section 20, Township 52
21 South, Range 41 East; thence run South to the
22 SOUTHWEST corner of Section 29, Township 52
23 South, Range 41 East; thence run East to the
24 SOUTHEAST corner of said Section 29; thence run
25 North along the East section line of said
26 Section 29 to the SOUTHEAST corner of the
27 NORTHEAST quarter of said section; thence run
28 East along the center line of Section 28,
29 Township 52 South, Range 41 East to the
30 SOUTHEAST corner of the NORTHEAST quarter of
31 said Section 28; thence run North to the

1 SOUTHWEST corner of said Section 22; thence run
2 East along the South line of said Section 22 to
3 the SOUTHEAST corner thereof; thence run North
4 along the East side of said Section 22 to the
5 point or place of beginning, all of said land
6 being more particularly described as Sections
7 20, 21, 22 and 29 and the North half of Section
8 28, Township 52, Range 41 East, Miami-Dade
9 County, Florida.

10
11 (2) The county seat for Opa-locka County is the City
12 of Opa-locka.

13 Section 3. Subsection (11) of section 26.021, Florida
14 Statutes, is amended to read:

15 26.021 Judicial circuits; judges.--

16 (11) The eleventh circuit is composed of Miami-Dade
17 ~~Dade~~ County and Opa-locka County.

18
19 The judicial nominating commission of each circuit, in
20 submitting nominations for any vacancy in a judgeship, and the
21 Governor, in filling any vacancy for a judgeship, shall
22 consider whether the existing judges within the circuit,
23 together with potential nominees or appointees, reflect the
24 geographic distribution of the population within the circuit,
25 the geographic distribution of the caseload within the
26 circuit, the racial and ethnic diversity of the population
27 within the circuit, and the geographic distribution of the
28 racial and ethnic minority population within the circuit.

29 Section 4. Subsection (13) of section 34.022, Florida
30 Statutes, is amended, present subsections (48)-(67) are

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1 renumbered as subsections (49)-(68), respectively, and a new
2 subsection (48) is added to said section to read:

3 34.022 Number of county court judges for each
4 county.--The number of county court judges in each county
5 shall be as follows:

6		
7	COUNTY	TOTAL
8	(13) <u>Miami-Dade</u> Dade	<u>3941</u>
9	(48) <u>Opa-locka</u>	<u>2</u>

10 Section 5. For the purpose of incorporating the
11 amendment to section 26.021, Florida Statutes, in references
12 thereto, section 35.04, Florida Statutes, is reenacted to
13 read:

14 35.04 Third Appellate District.--The Third Appellate
15 District is composed of the Eleventh and Sixteenth Judicial
16 Circuits.

17 Section 6. Officers.--The Governor of the state shall
18 immediately after the passage of this act appoint five
19 persons, to be county commissioners of said county from the
20 date of its coming into being, until the next ensuing general
21 election, and the Governor on or before 60 days from the
22 passage of this act shall appoint all of the other officers to
23 which said county may be entitled under the State Constitution
24 and laws of the state.

25 Section 7. Commission meeting.--It shall be the duty
26 of the Board of County Commissioners of Opa-locka County to
27 hold their first meeting within 5 days after this act takes
28 effect, and at such meeting they shall make arrangements for
29 temporarily carrying on the county government and shall
30 perform such other duties as may be required of them by law.

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1 Section 8. Board meeting.--It shall be the duty of the
2 School Board of Opa-locka County to hold its first meeting
3 within 5 days of the appointment of the members, and proceed
4 to perform the duties imposed upon it by law.

5 Section 9. Courts.--The courts of Opa-locka County
6 shall have civil and criminal jurisdiction throughout said
7 county over causes of action, which shall have accrued, and
8 over crimes and misdemeanors which shall have been committed
9 within the territory embraced in said county, as hereby
10 constituted, prior to the day this act takes effect, in the
11 same manner and to the extent as if said county had been in
12 existence when such crimes and misdemeanors were committed or
13 when such causes of action accrued.

14 Section 10. Transfer of causes.--All actions and
15 prosecutions, and all proceedings in guardianship, in probate,
16 or administration and any and all other actions, prosecutions,
17 or proceedings that may be pending in Miami-Dade County in the
18 Circuit Court, or any other court, or before any officer or
19 board of said county on the day this act takes effect, whereof
20 any court, officer, or board of said Opa-locka County would
21 have had jurisdiction if said Opa-locka County had been in
22 existence when said action of proceeding was instituted, shall
23 be transferred to the corresponding officer, court, or board
24 for Opa-locka County having jurisdiction of such matters; and
25 all pleadings, papers, and documents in any way pertaining to
26 any such action, prosecution or proceedings, shall be
27 delivered by the clerk or other officer of said Miami-Dade
28 County, having custody thereof, to the proper officer of
29 Opa-locka County.

30 Section 11. Transcript of records by clerk of the
31 circuit court.--

1 (1) The Clerk of the Circuit Court of Opa-locka County
2 or the authorized agent or deputy shall procure from the
3 records in the office of the Clerk of the Circuit Court of
4 Miami-Dade County a transcript of all deeds, transfers,
5 leases, mortgages, or other conveyances of real or personal
6 property, and of all judgments, orders and decrees, and any
7 and all other matters of record, and any and all papers or
8 documents in the custody of the Clerk of the Circuit Court of
9 Miami-Dade County, that may in any way affect the interests of
10 Opa-locka County, its citizens, or property located therein,
11 as the county commissioners may from time to time direct; and
12 the Clerk of the Circuit Court of Miami-Dade County without
13 charges of fees, shall allow the Clerk of the Circuit Court of
14 Opa-locka County full and free access to all books and papers
15 on file in the office that would in any way facilitate the
16 procuring of such transcription.

17 (2) The Clerk of the Circuit Court of Opa-locka County
18 shall certify to the correctness of such transcription, and
19 thereupon such certified copies of the records, documents, and
20 other matters so transcribed and certified shall be of the
21 same force and effect as the original records.

22 Section 12. Sheriff.--The Sheriff of Opa-locka County
23 shall procure from the records of the office of the
24 Metropolitan Dade Police Department, a transcript of all
25 papers, files, documents, and records in the custody of the
26 Metropolitan Dade Police Department, that may in any way
27 affect the interests of Opa-locka County, its citizens or
28 property located therein, as the county commissioners may from
29 time to time direct, and the Director of the Metropolitan Dade
30 Police Department shall, without charge of fee, allow the
31 Sheriff of Opa-locka County free access to all books, papers,

1 files, and documents in his or her office that may in any way
2 facilitate the procuring of such transcription. The Director
3 of the Metropolitan Dade Police Department shall certify to
4 the correctness of such transcription, and thereupon such
5 certified copies of the papers, files, documents, and records
6 so transcribed shall be of the same force and effect as the
7 original records.

8 Section 13. Transcript of records by property
9 appraiser.--The Property Appraiser of Miami-Dade County shall
10 continue to perform the duties of that office in relation to
11 all property and persons within the territory of Opa-locka
12 County as hereby created, until the completion of the tax
13 rolls for 1998 and shall complete the assessment roll for the
14 said county as theretofore existing. Upon completion of said
15 assessment rolls, as provided by law, the tax assessor shall
16 deliver to the Property Appraiser for Opa-locka County a
17 transcript of so much of such assessment rolls as applies to
18 property and persons within the limits of Opa-locka County as
19 hereby created, and shall affix thereto a warrant for the
20 collection of said taxes as provided by law, and thereafter
21 the Property Appraiser of Opa-locka County shall perform all
22 the duties of the office as now provided by law.

23 Section 14. Duties of property appraiser.--It shall be
24 the duty of the Property Appraiser for Opa-locka County to
25 make full, true, and accurate copies of all the maps, plats,
26 and records of the Office of the Property Appraiser for
27 Miami-Dade County, which shall affect the lands in Opa-locka
28 County, and certify to the correctness thereof and such
29 certified transcript or copies shall be of the same force and
30 effect as the originals thereof. The Property Appraiser for
31 Miami-Dade County for such purpose shall allow the Property

1 Appraiser of Opa-locka County full and free access to such
2 original plats and records. The Property Appraiser and the
3 Clerk of the Circuit Court of Miami-Dade County shall, without
4 charge of fees, allow the Property Appraiser of Opa-locka
5 County free access to all books, maps, papers, and files in
6 their offices that would in any way facilitate the
7 performances of the property appraiser's duties.

8 Section 15. Compensation of property appraiser.--The
9 Property Appraiser for Miami-Dade County shall be paid as
10 provided by law for assessing the taxes of Opa-locka County
11 for the year 1998, and the County Commissioners of Opa-locka
12 County shall pay to said appraiser of Miami-Dade County for
13 preparing a transcript of the assessment roll for Opa-locka
14 County as herein provided, and for any and all other
15 extraordinary services which said appraiser may be required to
16 perform.

17 Section 16. Tax collector.--

18 (1) The Tax Collector of Miami-Dade County shall not
19 be required to account for or make settlement for the amount
20 of any taxes due on property or from persons within said
21 County of Opa-locka as hereby created for the year 1998.

22 (2) The Tax Collector of Miami-Dade County shall
23 proceed to collect the taxes which shall have been assessed
24 for any year prior to 1998 and be unpaid and past due on lands
25 lying in the territory of Opa-locka County, as hereby created,
26 and to enforce the payment therefor by sale of delinquent
27 lands in the same manner and with the same effect as if the
28 territory of Opa-locka County had remained a part of
29 Miami-Dade County, and all sales made in pursuance of this
30 section shall be as valid as if the territory of Opa-locka
31 County had remained a part of Miami-Dade County. All the tax

1 certificates covering sales of land lying in Opa-locka County,
2 which shall be made on or after the day this act takes effect,
3 shall be delivered to the Clerk of the Circuit Court of
4 Opa-locka County, and the redemption of any such land shall be
5 made through said clerk.

6 Section 17. Tax redemptions.--All redemptions of tax
7 certificates covering lands lying in Opa-locka County which
8 shall have been certified or sold for taxes prior to the day
9 this act takes effect, whether certified or sold to the state
10 or individuals, shall be made through the Clerk of the Circuit
11 Court of Opa-locka County; provided, that the Clerk of the
12 Circuit Court of Opa-locka County shall give to the Clerk of
13 the Circuit Court of Miami-Dade County a receipt for all said
14 tax sale certificates and in the accounting shall remit to the
15 Clerk of the Circuit Court of Miami-Dade County that
16 proportionate part of the taxes which the redemption of said
17 certificates cover prior to the day this act takes effect,
18 retaining for Opa-locka County the proportionate part of the
19 taxes for and after the day this act takes effect. The
20 proceeds of all sales or assignments of tax certificates held
21 by the Clerk of the Circuit Court of Opa-locka County, shall
22 also be distributed in the manner provided herein for the
23 redemption of tax certificates.

24 Section 18. Indebtedness prorated; board of county
25 commissioners.--It shall be the duty of the Board of County
26 Commissioners of Opa-locka County at as early a date as may be
27 possible to meet with the County Commissioners of Miami-Dade
28 County and agree with the said board upon a plan or plans for
29 the assumption by Opa-locka County of its pro rata share of
30 the indebtedness of Miami-Dade County in accordance with the
31 provisions of the State Constitution, based on the assessed

1 value of the property both real and personal, subject to
2 taxation within the said counties, provided, however, that the
3 indebtedness of all special road and bridge districts shall be
4 pro rated on the basis of the assessed value of the taxable
5 property within such districts; and the board shall also agree
6 upon an equitable division of the surplus funds and personal
7 or movable property, that Miami-Dade County may have on hand
8 or that may be owing to Miami-Dade County, on the day this act
9 takes effect. The titles to all fixtures, real estate, and
10 immovable property on the day this act takes effect, vested in
11 Miami-Dade County, shall become vested in the property of the
12 county within whose territorial boundaries it shall be
13 located.

14 Section 19. Indebtedness prorated; school board.--It
15 shall be the duty of the School Board of Opa-locka County at
16 as early a date as may be possible to meet with the School
17 Board of Miami-Dade County and agree with such board upon a
18 plan for the assumption by the School Board of Opa-locka
19 County of its pro rata share of indebtedness of the School
20 Board of Miami-Dade County based on the assessed value of the
21 taxable property, subject to taxation within said county;
22 provided, however, that the indebtedness of any special tax
23 school districts shall be pro rated on the basis of the
24 assessed value of taxable property within such special tax
25 school districts. The said boards shall agree also upon an
26 equitable division of the surplus funds that said board of
27 Miami-Dade County may have on hand or that may be owing to
28 said board on the day this act takes effect, provided however,
29 that the amount of such indebtedness shall be determined from
30 the books of the School Board Superintendent for Miami-Dade
31 County, whose duty it shall be to make complete statements of

1 such indebtedness and furnish same to the School Board of
2 Opa-locka County on the date this act takes effect, or as soon
3 thereafter as practicable without any charge for such service.
4 The title to all fixtures, real estate, and immovable
5 property, on the date this act takes effect, vested in the
6 School Board of Miami-Dade County, shall become vested in and
7 be the property of the School Board of Opa-locka County.
8 Provided further that the county officials of Opa-locka County
9 shall perform all of the duties as to special road and bridge
10 districts or other special taxation units lying wholly or in
11 part in said county that were performed by the county
12 officials of Miami-Dade County prior to the creation of
13 Opa-locka County, and provided further that the district
14 officials of such special taxing units shall continue to
15 perform the duties imposed by law and nothing herein contained
16 shall be construed as changing the powers or duties of such
17 district officials.

18 Section 20. Supervisor of elections.--The Supervisor
19 of Elections of Opa-locka County or the authorized agent or
20 deputy shall procure from the records in the office of the
21 Supervisor of Elections for Miami-Dade County, a transcript of
22 all such registration books as relate to election districts
23 wholly or in part within Opa-locka County, and the Supervisor
24 of Elections for Miami-Dade County shall, without charge of
25 fees, allow the Supervisor of Elections for Opa-locka County
26 or the agents or deputies free access to all books and records
27 on file in the office that would in any way facilitate the
28 procuring of such transcription. The Supervisor of Elections
29 of Opa-locka County shall certify to the correctness of such
30 transcription and thereupon such certified copies of such

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1 records so transcribed and certified shall be of the same
2 force and effect as the original records.

3 Section 21. Incarcerated persons.--Upon this act
4 becoming effective the County Commissioners of Miami-Dade
5 County shall deliver to the County Commissioners of Opa-locka
6 County all county convicts then in custody of Miami-Dade
7 County under conviction of an offense committed within the
8 territory included in Opa-locka County.

9 Section 22. Jury list.--That within 30 days from the
10 date upon which this act takes effect, or as soon thereafter
11 as possible, the Clerk of the Circuit Court for Opa-locka
12 County shall convene and prepare for Opa-locka County a jury
13 list in the same manner and under directions now provided by
14 law; provided, that the persons selected and placed on said
15 list shall be residents and citizens of Opa-locka County as
16 above described, and otherwise qualified according to law, and
17 provided further, that if any person so selected shall be
18 ascertained to be disqualified or incompetent to serve as a
19 juror, such disqualification shall not affect the legality of
20 such list or be the cause of challenge to the array of any
21 jury chosen from such list.

22 Section 23. Saving clause.--If any section,
23 subsection, sentence, clause, phrase, or word of this act is
24 for any reason held or declared to be unconstitutional,
25 invalid, inoperative, ineffective, inapplicable, or void, such
26 invalidity or unconstitutionality shall not be construed to
27 affect the portions of the act not so held to be
28 unconstitutional, void, invalid, or ineffective or affect the
29 application of this act to other circumstances not so held to
30 be invalid, it being hereby declared to be the express
31 legislative intent that any such unconstitutional, void,

1 illegal, invalid, ineffective, inapplicable, or void, portion
2 or portions of this act did not induce its passage and that
3 without the inclusion of any such unconstitutional, illegal,
4 invalid, ineffective, or void, portions of this act, the
5 Legislature would have enacted the valid and constitutional
6 portions thereof.

7 Section 24. All laws and parts of law in conflict with
8 any provision of this act are hereby repealed.

9 Section 25. This act shall take effect only upon its
10 approval by a majority vote of those qualified electors of
11 that portion of Miami-Dade County described in section 2
12 voting in a referendum to be held by the Board of County
13 Commissioners of Miami-Dade County in conjunction with the
14 next regular primary or general election, in accordance with
15 the provisions of law relating to elections currently in
16 force, except that this section shall take effect upon
17 becoming a law.

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20 HOUSE SUMMARY

21 Creates Opa-locka County from a northern portion of
22 Miami-Dade County. Provides for ratification of this act
23 by the electors in that part of Miami-Dade County which
would become Opa-locka County.

24 Provides for the organization of county government, and a
25 pro rata assumption of present Miami-Dade County
26 indebtedness.

27 See bill for details.
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