

By the Committee on Judicial Oversight and Representatives
Lacasa, Rubio, Barreiro, Holloway, Gelber, Betancourt,
Bendross-Mindingall, Lerner, Prieguez, Wilson, Brutus,
Bullard, Garcia, Cantens, Arza, Diaz-Balart, Sorensen and
Gottlieb

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House Joint Resolution

A joint resolution proposing an amendment to
Section 6 of Article VIII of the State
Constitution to authorize amendments or
revisions to the home rule charter of
Miami-Dade County by special law approved by a
vote of the electors.

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

That the amendment to Section 6 of Article VIII of the
State Constitution as set forth below is agreed to and shall
be submitted to the electors of Florida for approval or
rejection at the general election to be held in November 2002:

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

1 continue in office for the remainder of the term if that
2 office is not abolished. If the office is abolished the
3 incumbent shall be paid adequate compensation, to be fixed by
4 law, for the loss of emoluments for the remainder of the term.

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7 article may be amended or repealed by county ordinance.

8 (e) CONSOLIDATION AND HOME RULE. Article VIII,
9 Sections 9, 10, 11 and 24, of the Constitution of 1885, as
10 amended, shall remain in full force and effect as to each
11 county affected, as if this article had not been adopted,
12 until that county shall expressly adopt a charter or home rule
13 plan pursuant to this article. All provisions of the
14 Miami-Dade ~~Metropolitan Dade~~ County Home Rule Charter,
15 heretofore or hereafter adopted by the electors of Miami-Dade
16 ~~Dade~~ County pursuant to Article VIII, Section 11, of the
17 Constitution of 1885, as amended, shall be valid, and any
18 amendments to such charter shall be valid; provided that the
19 said provisions of such charter and the said amendments
20 thereto are authorized under said Article VIII, Section 11, of
21 the Constitution of 1885, as amended. However, notwithstanding
22 any provision of Article VIII, Section 11, of the Constitution
23 of 1885, as amended, or any limitations under this subsection,
24 the Miami-Dade County Home Rule Charter may be amended or
25 revised by special law approved by the electors of Miami-Dade
26 County and, if approved, shall be deemed an amendment or
27 revision of the charter by the electors of Miami-Dade County.

28 (f) DADE COUNTY; POWERS CONFERRED UPON
29 MUNICIPALITIES. To the extent not inconsistent with the
30 powers of existing municipalities or general law, the
31 Metropolitan Government of Dade County may exercise all the

1 powers conferred now or hereafter by general law upon
2 municipalities.
3 (g) DELETION OF OBSOLETE SCHEDULE ITEMS. The
4 legislature shall have power, by joint resolution, to delete
5 from this article any subsection of this Section 6, including
6 this subsection, when all events to which the subsection to be
7 deleted is or could become applicable have occurred. A
8 legislative determination of fact made as a basis for
9 application of this subsection shall be subject to judicial
10 review.

11 BE IT FURTHER RESOLVED that in accordance with the
12 requirements of section 101.161, Florida Statutes, the
13 substance of the amendment proposed herein shall appear on the
14 ballot as follows:

15 AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME
16 RULE CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM
17 Proposing an amendment to Section 6 of Article VIII of
18 the State Constitution to authorize amendments or revisions to
19 the Miami-Dade County Home Rule Charter by special law
20 approved by a vote of the electors of Miami-Dade County and to
21 conform references to the county's current name.

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