

By Representative Lacasa

1 A bill to be entitled
 2 An act relating to the Miami-Dade County Home
 3 Rule Charter; amending the Miami-Dade County
 4 Home Rule Charter; providing additional powers
 5 of the Board of County Commissioners;
 6 specifying thirteen County Commission
 7 districts; requiring the Board to adopt certain
 8 reapportionment plan development procedures;
 9 providing for salaries of County Commissioners;
 10 providing for an acting County Mayor under
 11 certain circumstances; providing requirements;
 12 specifying powers and duties of the County
 13 Commission; creating the office of County
 14 Mayor; providing for election of the County
 15 Mayor; specifying powers and responsibilities
 16 of the County Mayor; providing for Deputy
 17 County Mayors; requiring the County Commission
 18 to annually appropriate funds to the Executive
 19 Office of the County Mayor for certain
 20 purposes; revising provisions for election and
 21 terms of County Commissioners; providing for
 22 nonpartisan election of a County Supervisor of
 23 Elections; providing for powers and duties of
 24 the County Supervisor of Elections; providing
 25 for disqualification of certain persons to vote
 26 or hold office; specifying term limits for
 27 County Mayor and County Commissioners;
 28 providing for a County Comptroller; providing
 29 for functions, qualifications, powers, and
 30 duties of the County Comptroller; specifying
 31 restrictions relating to the Office of the

1 County Comptroller; revising the administrative
2 organization and procedures of the county;
3 specifying service offices associated with
4 Deputy County Mayors; specifying departments
5 within such service offices; providing for
6 financial planning by the Executive Office of
7 the County Mayor; providing requirements;
8 providing for county civil service; providing
9 for the Office of County Attorney; providing
10 for demographic, policy, and planning
11 functions; abolishing the office of County
12 Manager and transferring to the County Mayor
13 the powers, duties, functions, and
14 responsibilities of the County Manager;
15 revising certain other provisions to conform;
16 providing a contingent effective date.

17

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

19

20 Section 1. The Miami-Dade County Home Rule Charter is
21 amended to read:

22

23 MIAMI-DADE ~~DADE~~ COUNTY HOME RULE CHARTER

24

25 PREAMBLE

26

27 We, the people of this County, in order to secure for
28 ourselves the benefits and responsibilities of home rule, to
29 create a metropolitan government to serve our present and
30 future needs, and to endow our municipalities with the rights

31

1 of self determination in their local affairs, do under God
2 adopt this home rule Charter.

3
4 CITIZENS' BILL OF RIGHTS

5
6 A. This government has been created to protect the
7 governed, not the governing. In order to provide the public
8 with full and accurate information, to promote efficient
9 administrative management, to make government more
10 accountable, and to insure to all persons fair and equitable
11 treatment, the following rights are guaranteed:

12 1. Convenient Access. Every person has the right to
13 transact business with the County and the municipalities with
14 a minimum of personal inconvenience. It shall be the duty of
15 the County ~~Manager and the~~ Commission, the County Mayor, the
16 County Comptroller, and the Supervisor of Elections to
17 provide, within the County's budget limitations, reasonably
18 convenient times and places for registration and voting, for
19 required inspections, and for transacting business with the
20 County.

21 2. Truth in Government. No County or municipal
22 official or employee shall knowingly furnish false information
23 on any public matter, nor knowingly omit significant facts
24 when giving requested information to members of the public.

25 3. Public Records. All audits, reports, minutes,
26 documents and other public records of the County and the
27 municipalities and their boards, agencies, departments and
28 authorities shall be open for inspection at reasonable times
29 and places convenient to the public.

30 4. Minutes and Ordinance Register. The Clerk of the
31 Commission and of each municipal council shall maintain and

1 make available for public inspection an ordinance register
2 separate from the minutes showing the votes of each member on
3 all ordinances and resolutions listed by descriptive title.
4 Written minutes of all meetings and the ordinance register
5 shall be available for public inspection not later than 30
6 days after the conclusion of the meeting.

7 5. Right to be Heard. So far as the orderly conduct
8 of public business permits, any interested person has the
9 right to appear before the Commission or any municipal council
10 or any County or municipal agency, board or department for the
11 presentation, adjustment or determination of an issue, request
12 or controversy within the jurisdiction of the governmental
13 entity involved. Matters shall be scheduled for the
14 convenience of the public, and the agenda shall be divided
15 into approximate time periods so that the public may know
16 approximately when a matter will be heard. Nothing herein
17 shall prohibit any governmental entity or agency from imposing
18 reasonable time limits for the presentation of a matter.

19 6. Right to Notice. Persons entitled to notice of a
20 County or municipal hearing shall be timely informed as to the
21 time, place and nature of the hearing and the legal authority
22 pursuant to which the hearing is to be held. Failure by an
23 individual to receive such notice shall not constitute
24 mandatory grounds for cancelling the hearing or rendering
25 invalid any determination made at such hearing. Copies of
26 proposed ordinances or resolutions shall be made available at
27 a reasonable time prior to the hearing, unless the matter
28 involves an emergency ordinance or resolution.

29 7. No Unreasonable Postponements. No matter once
30 having been placed on a formal agenda by the County or any
31 municipality shall be postponed to another day except for good

1 cause shown in the opinion of the County Commission, the
2 municipal council or other governmental entity or agency
3 conducting such meeting, and then only on condition that any
4 person so requesting is mailed adequate notice of the new date
5 of any postponed meeting. Failure by an individual to receive
6 such notice shall not constitute mandatory grounds for
7 cancelling the hearing or rendering invalid any determination
8 made at such hearing.

9 8. Right to Public Hearing. Upon a timely request of
10 any interested party a public hearing shall be held by any
11 County or municipal agency, board, department or authority
12 upon any significant policy decision to be issued by it which
13 is not subject to subsequent administrative or legislative
14 review and hearing. This provision shall not apply to the Law
15 Department of the County or of any municipality, not to any
16 body whose duties and responsibilities are solely advisory. At
17 any zoning or other hearing in which review is exclusively by
18 certiorari, a party or his counsel shall be entitled to
19 present his case or defense by oral or documentary evidence,
20 to submit rebuttal evidence, and to conduct such
21 cross-examination as may be required for a full and true
22 disclosure of the facts. The decision of any such agency,
23 board, department or authority must be based upon the facts in
24 the record. Procedural rules establishing reasonable time and
25 other limitations may be promulgated and amended from time to
26 time.

27 9. Notice of Actions and Reasons. Prompt notice shall
28 be given of the denial in whole or in part of a request of an
29 interested person made in connection with any County or
30 municipal administrative decision or proceeding when the
31 decision is reserved at the conclusion of the hearing. The

1 notice shall be accompanied by a statement of the grounds for
2 denial.

3 10. County Comptroller's ~~Managers'~~ and Attorneys'
4 Reports. The County Comptroller ~~Manager~~ and County Attorney
5 and each City Manager and City Attorney shall periodically
6 make a public status report on all major matters pending or
7 concluded within their respective jurisdictions.

8 11. Budgeting. ~~In addition to any budget required by~~
9 ~~state statute,~~The County Mayor ~~Manager~~ shall prepare and
10 present a legislative budget request to the Board of County
11 Commissioners. The Board of County Commissioners, with the
12 assistance of the Commission Budget Office, shall review and
13 prepare a revised budget showing the projected cost of each
14 program for each budget year taking into consideration the
15 County Mayor's legislative budget request. Prior to the County
16 Commission's first public hearing on the proposed budget
17 required by state law, the County Commission ~~Manager~~ shall
18 make public a budget summary setting forth the proposed cost
19 of each individual program and reflecting all major proposed
20 increases and decreases in funds and personnel for each
21 program, the purposes therefore, the estimated millage cost of
22 each program and the amount of any contingency and carryover
23 funds for each program. As a final step, the County Commission
24 shall adopt a County budget.

25 12. Quarterly Budget Comparisons. The Commission
26 Budget Office ~~County Manager~~ shall make public a quarterly
27 report showing the actual expenditures during the quarter just
28 ended against one quarter of the proposed annual expenditures
29 set forth in the budget. Such report shall also reflect the
30 same cumulative information for whatever portion of the fiscal
31 year that has elapsed.

1 13. Adequate Audits. An annual audit of the County
2 and each municipality shall be made by an independent
3 certified public accounting firm in accordance with generally
4 accepted auditing standards. A summary of the results,
5 including any deficiencies found, shall be made public. In
6 making such audit, proprietary functions shall be audited
7 separately and adequate depreciation on proprietary facilities
8 shall be accrued so the public may determine the amount of any
9 direct or indirect subsidy.

10 14. Regional Offices. Regional offices of the
11 County's administrative services shall be maintained at
12 locations in the County for the convenience of the residents.

13 15. Financial Disclosure. The Commission shall by
14 ordinance make provision for the filing under oath or
15 affirmation by all County and municipal elective officials,
16 candidates for County and municipal elective offices, such
17 employees as may be designated by ordinance, and such other
18 public officials, and outside consultants who receive funds
19 from the County or municipalities, within the County and who
20 may legally be included, of personal financial statements,
21 copies of personal Federal income tax returns, or itemized
22 source of income statements. Provision shall be made for
23 preparing and keeping such reports current from time to time,
24 and for public disclosure. The Commission shall also make
25 provision for the filing annually under oath of a report by
26 full-time County and municipal employees of all outside
27 employment and amounts received therefrom. The County Mayor
28 ~~Manager~~ or any other municipal chief executive officer ~~City~~
29 ~~Manager~~ may require monthly reports from individual employees
30 or groups of employees for good cause.

31

1 16. Representation of Public. The Commission shall
2 endeavor to provide representation at all proceedings
3 significantly affecting the County and its residents before
4 State and Federal regulatory bodies.

5 17. Commission on Ethics and Public Trust. The County
6 shall, by ordinance, establish an independent Commission on
7 Ethics and Public Trust, comprised of five members, not
8 appointed by the County Commission or the County Mayor, with
9 the authority to review, interpret, render advisory opinions
10 and enforce the county and municipal code of ethics
11 ordinances, conflict of interest ordinances, lobbyist
12 registration and reporting ordinances, ethical campaign
13 practices ordinances, when enacted, and citizens' bill of
14 rights.

15 B. The foregoing enumeration of citizens' rights vests
16 large and pervasive powers in the citizenry of Miami-Dade ~~Dade~~
17 County. Such power necessarily carries with it responsibility
18 of equal magnitude for the successful operation of government
19 in the County. The orderly, efficient and fair operation of
20 government requires the intelligent participation of
21 individual citizens exercising their rights with dignity and
22 restraint so as to avoid any sweeping acceleration in the cost
23 of government because of the exercise of individual
24 prerogatives, and for individual citizens to grant respect for
25 the dignity of public office.

26 C. Remedies for Violations. In any suit by a citizen
27 alleging a violation of this Article filed in the Dade County
28 Circuit Court pursuant to its general equity jurisdiction, the
29 plaintiff, if successful, shall be entitled to recover costs
30 and reasonable attorney's fees, as fixed by the Court. Any
31 public official or employee who is found by the Court to have

1 willfully violated this Article shall forthwith forfeit his
2 office or employment.

3 (D). Construction. All provisions of this Article
4 shall be construed to be supplementary to and not in conflict
5 with the general laws of Florida. If any part of this Article
6 shall be declared invalid, it shall not affect the validity of
7 the remaining provisions.

8

9

ARTICLE - 1

10

BOARD OF COUNTY COMMISSIONERS

11

SECTION 1.01. POWERS.

12

13 A. The Board of County Commissioners shall be the
14 legislative and the governing body of the county and shall
15 have the power to carry on a central metropolitan government.
16 This power shall include but shall not be restricted to the
17 power to:

18

19 1. Provide and regulate arterial, toll, and other
20 roads, bridges, tunnels, and related facilities; eliminate
21 grade crossings; provide and regulate parking facilities; and
22 develop and enforce master plans for the control of traffic
and parking.

23

24 2. Provide and operate air, water, rail, and bus
terminals, port facilities, and public transportation systems.

25

26 3. License and regulate taxis, jitneys, limousines for
hire, rental cars, and other passenger vehicles for hire
27 operating in the county.

28

29 4. Provide central records, training, and
30 communications for fire and police protection; provide traffic
control and central crime investigation; provide fire
31 stations, jails, and related facilities; and subject to

1 Section 1.01A(18) provide a uniform system for fire and police
2 protection.

3 5. Prepare and enforce comprehensive plans for the
4 development of the county.

5 6. Provide hospitals and uniform health and welfare
6 programs.

7 7. Provide parks, preserves, playgrounds, recreation
8 areas, libraries, museums, and other recreational and cultural
9 facilities and programs.

10 8. Establish and administer housing, slum clearance,
11 urban renewal, conservation, flood and beach erosion control,
12 air pollution control, and drainage programs and cooperate
13 with governmental agencies and private enterprises in the
14 development and operation of these programs.

15 9. Provide and regulate or permit municipalities to
16 provide and regulate waste and sewage collection and disposal
17 and water supply and conservation programs.

18 10. Levy and collect taxes and special assessments,
19 borrow and expend money and issue bonds, revenue certificates,
20 and other obligations of indebtedness in such manner, and
21 subject to such limitations, as may be provided by law.

22 11. By ordinance, establish, merge, and abolish
23 special purpose districts within which may be provided police
24 and fire protection, beach erosion control, recreation
25 facilities, water, streets, sidewalks, street lighting, waste
26 and sewage collection and disposal, drainage, and other
27 essential facilities and services. All county funds for such
28 districts shall be provided by service charges, special
29 assessments, or general tax levies within such districts only.
30 The Board of County Commissioners shall be the governing body
31 of all such districts and when acting as such governing body

1 shall have the same jurisdiction and powers as when acting as
2 the Board; provided, however, the Board of County
3 Commissioners shall not be the governing body of the
4 Metro-Dade Fire and Rescue Service District established by
5 Ordinance No. 80-86, but said Fire and Rescue Service District
6 shall be governed by five members elected for initial terms of
7 two years by the registered voters of the Metro-Dade Fire and
8 Rescue Service District; provided further, however, that the
9 governing board of the juvenile welfare special district shall
10 not be the Board of County Commissioners, but shall consist of
11 the superintendent of schools, a local school board member,
12 the district administrator of the Department of Health and
13 Rehabilitative Services, a member of the Board of County
14 Commissioners and five members appointed by the Governor.

15 12. Establish, coordinate, and enforce zoning and such
16 business regulations as are necessary for the protection of
17 the public.

18 13. Adopt and enforce uniform building and related
19 technical codes and regulations for both the incorporated and
20 unincorporated areas of the county; provide for examinations
21 for contractors and all parties engaged in the building trades
22 and for the issuance of certificates of competency and their
23 revocation after hearing. Such certificates shall be
24 recognized and required for the issuance of a license in all
25 municipalities in the county. No municipality shall be
26 entitled to require examinations or any additional certificate
27 of competency or impose any other conditions for the issuance
28 of a municipal license except the payment of the customary
29 fee. The municipality may issue building permits and conduct
30 the necessary inspections in accordance with the uniform codes
31 and charge fees therefor.

1 14. Regulate, control, take over, and grant franchises
2 to, or itself operate gas, light, power, telephone, and other
3 utilities, sanitary and sewage collection and disposal
4 systems, water supply, treatment, and service systems, and
5 public transportation systems, provided, however, that:

6 (a) Franchises under this subsection may only be
7 granted by a two-thirds vote of the members of the Board
8 present and approved by a majority vote of those qualified
9 electors voting at either a special or general election.

10 (b) The county shall not operate a light, power, or
11 telephone utility to serve any territory in the county which
12 is being supplied with similar service except by a majority
13 vote of those qualified electors voting in an election held
14 not less than six months after the Board has passed an
15 ordinance to that effect by a two-thirds vote of the members
16 of the Board present. Such ordinance shall contain information
17 on cost, method of financing, agency to regulate rates, agency
18 to operate, location, and other information necessary to
19 inform the general public of the feasibility and
20 practicability of the proposed operation.

21 15. Use public funds for the purposes of promoting the
22 development of the county, including advertising of the area's
23 advantages.

24 16. Establish and enforce regulations for the sale of
25 alcoholic beverages in the unincorporated areas and approve
26 municipal regulations on hours of sale of alcoholic beverages.

27 17. Enter into contracts with other governmental units
28 within or outside the boundaries of the county for joint
29 performance or performance by one unit in behalf of the other
30 of any authorized function.

31

1 18. Set reasonable minimum standards for all
2 governmental units in the county for the performance of any
3 service or function. The standards shall not be discriminatory
4 as between similar areas. If a governmental unit fails to
5 comply with such standards, and does not correct such failure
6 after reasonable notice by the Board, then the Board may take
7 over and perform, regulate, or grant franchises to operate any
8 such service. The Board may also take over and operate, or
9 grant franchises to operate any municipal service if:

10 (a) In an election called by the Board of County
11 Commissioners within the municipality a majority of those
12 voting vote in favor of turning the service over to the
13 county; or

14 (b) The governing body of the municipality requests
15 the county to take over the service by a two-thirds vote of
16 its members, or by referendum.

17 19. By ordinance, abolish or consolidate the office of
18 constables, or any county office created by the Legislature,
19 or provide for the consolidation and transfer of any of the
20 functions of such officers, provided, however, that there
21 shall be no power to abolish the Superintendent of Public
22 Instruction, or to abolish or impair the jurisdiction of the
23 Circuit Court or to abolish any other Court, provided by the
24 Constitution or by general law, or the judges or clerks
25 thereof.

26 20. Make investigations of county affairs, inquire
27 into the conduct, accounts, records, and transactions of any
28 department or office of the county, and for these purposes
29 require reports from all county officers and employees,
30 subpoena witnesses, administer oaths, and require the
31 production of records.

1 21. Exercise all powers and privileges granted to
2 municipalities, counties, and county officers by the
3 Constitution and laws of the state, and all powers not
4 prohibited by the Constitution or by this Charter.

5 22. Adopt such ordinances and resolutions as may be
6 required in the exercise of its powers, and prescribe fines
7 and penalties for the violation of ordinances.

8 23. Perform any other acts consistent with law which
9 are required by this Charter or which are in the common
10 interest of the people of the county.

11 24. Supersede, nullify, or amend any special law
12 applying to this county, or any general law applying only to
13 this county, or any general law where specifically authorized
14 by the Constitution.

15 25. By ordinance, establish a Commission Budget Office
16 with professional staff to assist the board with budgetary
17 planning and oversight authority.

18 26. Consider and approve by majority vote persons
19 nominated by the County Mayor for the positions of Deputy
20 County Mayor and Chief of Police.

21 27. Remove the County Comptroller for cause subject to
22 the County Commission's conducting a public hearing on the
23 matter. An affirmative vote of not less than two-thirds of
24 those County Commissioners then in office shall be required to
25 remove the County Comptroller.

26 B. No enumeration of powers in this Charter shall be
27 deemed exclusive or restrictive and the foregoing powers shall
28 be deemed to include all implied powers necessary and proper
29 to carrying out such powers. All of these powers may be
30 exercised in the incorporated and unincorporated areas,
31

1 subject to the procedures herein provided in certain cases
2 relating to municipalities.

3 C. The Board shall have the power of eminent domain
4 and the right to condemn property for public purposes. The
5 Board shall make fair and just compensation for any properties
6 acquired in the exercise of its powers, duties, or functions.
7 The Board shall also provide for the acquisition or transfer
8 of property, the payment, assumption, or other satisfaction of
9 the debts, and the protection of pension rights of affected
10 employees of any governmental unit which is merged,
11 consolidated, or abolished or whose boundaries are changed or
12 functions or powers transferred.

13 D. The Board shall be entitled to levy in the
14 unincorporated areas all taxes authorized to be levied by
15 municipalities and to receive from the state any revenues
16 collected in the unincorporated areas on the same basis as
17 municipalities.

18 SECTION 1.02. RESOLUTIONS AND ORDINANCES.

19 A. The Board shall adopt its own rules of procedure
20 and shall decide which actions of the Board shall be by
21 ordinance or resolution, except as otherwise provided in this
22 Charter and except that any action of the Board which provides
23 for raising revenue, appropriating funds, or incurring
24 indebtedness (other than refunding indebtedness), or which
25 provides a penalty or establishes a rule or regulation for the
26 violation of which a penalty is imposed shall be by ordinance.

27 B. Every ordinance shall be introduced in writing and
28 shall contain a brief title. The enacting clause shall be "Be
29 it Ordained by the Board." After passage on first reading, a
30 short summary of the ordinance shall be published in a daily
31 newspaper of general circulation at least once together with a

1 notice of the time when and place where it will be given a
2 public hearing and be considered for final passage. The first
3 such publication shall be at least one week prior to the time
4 advertised for hearing. No ordinance shall be declared invalid
5 by reason of any defect in publication or title if the
6 published summary gives reasonable notice of its intent.

7 C. At the time and place so advertised, or at any time
8 and place to which such public hearing may from time to time
9 be adjourned, the ordinance shall be read by title and a
10 public hearing shall be held. After the hearing, the Board may
11 pass the ordinance with or without amendment.

12 D. The Board may adopt in whole or in part any
13 published code by reference as an ordinance in the manner
14 provided by law.

15 E. The effective date of any ordinance shall be
16 prescribed therein, but the effective date shall not be
17 earlier than ten days after its enactment.

18 F. To meet a public emergency affecting life, health,
19 property, or public safety the Board by two-thirds vote of the
20 members of the Board may adopt an emergency ordinance at the
21 meeting at which it is introduced, and may make it effective
22 immediately, except that no such ordinance may be used to levy
23 taxes, grant or extend a franchise, or authorize the borrowing
24 of money. After the adoption of an emergency ordinance, the
25 Board shall have it published in full within ten days in a
26 daily newspaper of general circulation.

27 G. Each ordinance and resolution after adoption shall
28 be given a serial number and shall be entered by the clerk in
29 a properly indexed record kept for that purpose.

30 H. Within two years after adoption of this Charter the
31 Board shall maintain ~~have prepared~~ a general codification of

1 all county ordinances and resolutions having the effect of
2 law. The general codification thus prepared shall be adopted
3 by the Board in a single ordinance. After adoption the Board
4 shall have the codification printed immediately in an
5 appropriate manner together with the Charter and such rules
6 and regulations as the Board may direct. Additions or
7 amendments to the code shall be prepared, adopted, and printed
8 at least every two years.

9 SECTION 1.03. DISTRICTS.

10 A. There shall be thirteen ~~eight~~ County Commission
11 districts. ~~The initial boundaries of these districts shall be~~
12 ~~as shown on the map attached as Exhibit A and made a part~~
13 ~~thereof.~~

14 ~~Note: There are thirteen County Commission districts.~~
15 ~~Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir.~~
16 ~~1990), opinion after remand, 985 F.2d 1471 (11th Cir.1993).~~

17 B. The Board may by ordinance adopted by two-thirds
18 vote of the members of the Board change the boundaries of the
19 districts from time to time. The boundaries shall be fixed on
20 the basis of the character, population, and geography of the
21 districts.

22 C. The Board of County Commissioners shall adopt
23 procedures for the development of reapportionment plans
24 similar to the standards used by the Florida Legislature.

25 SECTION 1.04. COMPOSITION OF THE COMMISSION.

26 The Commission shall consist of thirteen ~~nine~~ members
27 elected as follows:

28 The qualified electors residing within each of the 13
29 districts shall elect ~~From each of the eight districts there~~
30 ~~shall be elected by the qualified electors of the county at~~
31 ~~large~~ a County Commissioner who shall be a qualified elector

1 residing within the district for at least 1 year ~~six months~~
2 and within the county at least three years before qualifying.
3 ~~Commencing with the election of Mayor in 1996, the Commission~~
4 ~~shall consist of eight members. Beginning with the state~~
5 ~~primary elections in 1968, the Mayor and each Commissioner~~
6 ~~shall be elected for a term of four years.~~

7 ~~Note: The Commission consists of thirteen members~~
8 ~~elected from districts. Meek v.~~

9 ~~Metropolitan Dade County, 908 F.2d 1540 (11th Cir.~~
10 ~~1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993).~~

11 SECTION 1.05. FORFEITURE OF OFFICE.

12 C. Any appointed official or employee of Dade County
13 who qualifies as a candidate for election to any federal,
14 state, county, or municipal office shall immediately take a
15 leave of absence from his or her county position until the
16 date of the election and shall, if elected, immediately
17 forfeit his or her county position. If the candidate is not
18 elected, he or she shall immediately be reinstated to his or
19 her former position.

20 SECTION 1.06. SALARY.

21 Each member of the Board of County Commissioners
22 Commissioner shall be paid receive a salary the amount of
23 which shall be determined and established in accordance with
24 compensation prescribed for legislators of this state. Each
25 County Commissioner of \$6,000 per year payable monthly and
26 shall be entitled to be reimbursed for such reasonable and
27 necessary expenses as may be approved by the Board.

28 SECTION 1.07. VACANCIES.

29 A. Any vacancy ~~on in the office of Mayor or the other~~
30 ~~members of the Board of County Commissioners, other than a~~
31 vacancy created by the expiration of a member's term, shall be

1 filled by majority vote of the remaining members of the Board
2 within 30 days, or the Board shall call an election to be held
3 not more than 45 days thereafter to fill the vacancy. The
4 person chosen to fill the office vacated must at the time of
5 appointment meet the residence requirements for the office to
6 which such person is appointed. A person appointed shall serve
7 only until the next county-wide election. A person elected
8 shall serve for the remainder of the unexpired term of office.
9 If a majority of the members of the Board should become
10 appointed rather than elected to office, then the Board shall
11 call an election to be held not more than 45 days thereafter
12 to permit the registered electors to elect commissioners to
13 succeed the appointed commissioners; appointed commissioners
14 may succeed themselves unless otherwise prohibited by the
15 Charter. If a county-wide election is scheduled to be held
16 within 180 days from the date on which the majority of the
17 members of the Board become appointive, the Board may elect to
18 defer the required election until the scheduled county-wide
19 election.

20 B. Upon the creation of a vacancy in the Office of the
21 County Mayor, the Chairperson of the County Commission shall
22 be appointed by the Board as the Acting County Mayor until a
23 new County Mayor is selected by a special election. The
24 Vice-Chairperson of the County Commission shall assume the
25 Chairmanship on the Board as the interim Chairperson. A
26 special election shall be held within 90 days to fill the
27 vacancy. If the Acting County Mayor chooses to run for County
28 Mayor, he or she shall relinquish his or her position as
29 Chairperson of the County Commission and a special election
30 shall be held for that Commission seat on the same date as the
31 special election for County Mayor. If the Acting County Mayor

1 chooses not to run for County Mayor, he or she shall return to
2 the position of Chairperson once a new County Mayor has been
3 elected.

4 SECTION 1.08. ORGANIZATION OF THE COMMISSION.

5 A. Commencing with the election of Mayor in 1996, The
6 County Mayor shall not be a member of the Commission. The
7 County Commission shall elect a Chairperson and a
8 Vice-Chairperson from its number by a majority vote. The
9 Chairperson of the Commission shall serve as the presiding
10 officer of the legislative branch of county government for a
11 term of 2 years. The Chairperson, in addition to the powers
12 and duties provided elsewhere in this Charter, shall have the
13 specific powers and duties to:

14 (1) Serve as the presiding officer of the Commission.

15 (2) Sign ordinances, resolutions, and other
16 legislative documents for the Commission.

17 (3) Schedule Commission meetings.

18 (4) Preside over the committee charged with reviewing
19 nominations submitted by the County Mayor for the positions of
20 Deputy County Mayor and Chief of Police.

21 (5) Establish, with the approval of the Commission,
22 standing committees and rules of procedure to govern Board
23 meetings.

24 (6) Appoint the members of all standing committees and
25 the chairperson of each standing committee.

26
27 Such powers are not subject to veto by the County Mayor. The
28 Mayor shall be the presiding officer of the Commission with
29 the authority to designate another member of the Commission to
30 serve as presiding officer.

31

1 the veto occurs, override that veto by a two-thirds vote of
2 the Commissioners present.

3 B. When one person succeeds another in the position of
4 County Mayor, the successor shall have the right to nominate
5 persons for the position of Deputy County Mayor. There shall
6 be five Deputy County Mayors: the Deputy County Mayor of
7 Public Safety, the Deputy County Mayor of Planning and
8 Infrastructure, the Deputy County Mayor of Transportation and
9 Economic Development, the Deputy County Mayor of Human
10 Services, and the Deputy County Mayor of Governmental
11 Operations. The five Deputy County Mayor nominees shall be
12 approved by a majority vote of the County Commission ~~appoint~~
13 ~~the Manager, subject to the approval within 14 days of a~~
14 ~~majority of the Commissioners then in office. The Mayor shall~~
15 ~~appoint the Manager, subject to the approval within 14 days of~~
16 ~~a majority of the Commissioners then in office. The Mayor may~~
17 ~~remove the Manager subject to the Commission's conducting a~~
18 ~~hearing within 10 days of said removal and the Commission's~~
19 ~~overriding the Mayor's action by a two-thirds vote of those~~
20 ~~Commissioners then in office. Additionally, the Commission by~~
21 ~~a two-thirds vote of those Commissioners then in office shall~~
22 ~~be able to remove the Manager.~~

23 C. All Deputy County Mayors shall serve at the
24 pleasure of the County Mayor. ~~The Mayor shall appoint the~~
25 ~~members of all standing committees and the chairperson and~~
26 ~~vice-chairperson of each committee. There shall be as many~~
27 ~~standing and special committees as deemed necessary by the~~
28 ~~Mayor.~~

29 D. The County Mayor shall prepare and submit an annual
30 legislative budget request to the County Commission ~~deliver a~~
31 ~~report on the state of the county to the people of the county~~

1 ~~between November 1 and January 31 annually. Such report shall~~
2 ~~be prepared after consultation with the Commissioners and the~~
3 ~~Manager.~~

4 E. The County Mayor shall prepare and deliver a
5 budgetary address annually to the people of the county between
6 July 1 and September 30. ~~Such report shall be prepared after~~
7 ~~consultation with the Manager and budget director.~~

8 F. Unless otherwise provided for by civil service
9 rules and regulations, the County Mayor shall have the power
10 to appoint and suspend, remove, or discharge all
11 administrative department heads of the major departments
12 reporting to the County Mayor pursuant to section 5.01. The
13 right to suspend, remove, or discharge any department head,
14 with or without cause, is reserved at all times to the County
15 Mayor.

16 G. The County Commission shall appropriate each fiscal
17 year to the Executive Office of the County Mayor sufficient
18 funds to support the following functions and operations:

- 19 (1) Chief Administrative Officer.
20 (2) Budget Director.
21 (3) Chief Information Officer.
22 (4) Press Secretary.
23 (5) Intergovernmental Affairs Director.
24 (6) Incorporation/Annexation Advisor.
25 (7) General Counsel.

26
27 ARTICLE - 3 ~~2~~

28
29 ELECTIONS

30 SECTION 3.01 ~~2.01~~. ELECTION AND COMMENCEMENT OF TERMS
31 OF COUNTY COMMISSIONERS.

1 A. ~~Unless otherwise provided in the Charter, beginning~~
2 ~~in 1976, the election of the Mayor and the County~~
3 ~~Commissioners from four County Commission districts to be~~
4 ~~selected by voluntary arrangement or by lot prior to June 1,~~
5 ~~1976 shall be held at the time of the state primary elections~~
6 ~~in 1976 and every four years thereafter at the same time. The~~
7 ~~County Commissioners from the other four County Commission~~
8 ~~districts shall also be elected in 1976 in the same manner,~~
9 ~~but only for two year terms; the election of County~~
10 ~~Commissioners from these four County Commission districts will~~
11 ~~be held again in 1978 and every four years thereafter at the~~
12 ~~time of the state primary elections.~~

13 ~~Note:~~The election of the County Commissioners from
14 even-numbered districts shall be held in 2002 ~~1994~~ and every
15 four years thereafter and the election of County Commissioners
16 from odd-numbered districts shall be held in 2004 ~~1996~~ and
17 every four years thereafter. ~~Meek v. Metropolitan Dade County,~~
18 ~~908 F.2d 1540 (11th Cir. 1990), opinion after remand, 985 F.2d~~
19 ~~1471 (11th Cir. 1993).~~

20 B. A candidate must receive a majority of the votes
21 cast to be elected. If no candidate receives a majority of the
22 votes cast there will be a runoff election at the time of the
23 state second primary election between the two candidates
24 receiving the highest number of votes. Should a tie result,
25 the outcome shall be determined by lot.

26 C. Except as otherwise provided in this Charter, the
27 terms of office of the County Mayor and the ~~other~~ County
28 Commissioners shall commence on the second Tuesday next
29 succeeding the date provided for the state second primary
30 elections.

31

1 ~~D. Notwithstanding any other provision of this~~
2 ~~Charter, effective with the term of Mayor scheduled to~~
3 ~~commence in October, 1996, no person shall be elected as Mayor~~
4 ~~for more than two consecutive four-year terms. Neither service~~
5 ~~as Mayor or County Commissioner prior to the terms scheduled~~
6 ~~to commence in October, 1996, nor service of a partial term~~
7 ~~subsequent to October, 1996, shall be considered in applying~~
8 ~~the term limitation provisions of this section.~~

9 SECTION 3.02 ~~2.02~~. SUPERVISOR OF ELECTIONS.~~RESERVED~~

10 There shall be a County Supervisor of Elections who
11 shall be elected by the electors of the county in a
12 nonpartisan election. The election and powers, duties, and
13 responsibilities of the County Supervisor of Elections shall
14 be as provided by general law.

15 SECTION 3.03 ~~2.03~~. NONPARTISAN ELECTIONS.

16 All elections for County Mayor and the ~~other~~ members of
17 the Board of County Commissioners shall be nonpartisan and no
18 ballot shall show the party designation of any candidate. No
19 candidate shall be required to pay any party assessment or
20 state the party of which he is a member or the manner in which
21 he voted or will vote in any election.

22 SECTION 3.04 ~~2.04~~. QUALIFICATIONS AND FILING FEE.

23 All candidates for the office of County Mayor or County
24 Commissioner shall qualify with the Clerk of the Circuit Court
25 no earlier than the 63rd day and no later than noon on the
26 49th day prior to the date of the election at which he is a
27 candidate in the method provided by law or ordinance, and
28 shall pay a filing fee of \$300. All filing fees shall be paid
29 into the general funds of the county.

30 SECTION 3.05 ~~2.05~~. DISQUALIFICATIONS ~~RESERVED~~.

31

1 A. No person convicted of a felony, responsible for
2 unpaid fines to the Florida Election Commission, or those
3 mentally incompetent shall be qualified to vote or hold office
4 until restoration of civil rights or removal of disability.

5 B. No person may appear for reelection as County Mayor
6 or to the County Commission if, by the end of the current term
7 of office, that person shall have served, or but for
8 resignation would have served, in that office for 8
9 consecutive years.

10 SECTION 3.06 ~~2.06~~. ADDITIONAL REGULATIONS AND STATE
11 LAWS.

12 A. The Board may adopt by ordinance any additional
13 regulations governing elections not inconsistent with this
14 Charter.

15 B. Except as otherwise provided by this Charter or by
16 ordinance adopted hereunder the provisions of the election
17 laws of this state shall apply to elections held under this
18 Charter.

19 SECTION 3.07 ~~2.07~~. CANVASSING ELECTIONS.

20 All elections under this Charter shall be canvassed by
21 the County Canvassing Board as provided under the election
22 laws of this state.

23
24 ARTICLE - 4 ~~3~~

25
26 THE COUNTY COMPTROLLER ~~MANAGER~~

27 SECTION 4.01 ~~3.01~~. FUNCTIONS.

28 The Office of County Comptroller shall provide
29 independent oversight of all contracts, bonding, and other
30 forms of financial obligations undertaken by the County.
31 Functions presently in the office of the Inspector General and

1 various audit units are vested in this office. The office
2 shall provide for independent oversight of contract
3 compliance. Such oversight shall provide a check on the
4 effectiveness of the policy imperatives and administrative
5 actions of the County Mayor and the County Commission. The
6 County Commission shall fix the County Comptroller's
7 compensation.~~Commencing with the election of Mayor in 1996,~~
8 ~~the Manager shall be the head of the administrative branch of~~
9 ~~the county government. The Commission shall fix the Manager's~~
10 ~~compensation, and the Manager shall serve as provided in~~
11 ~~Section 1.10.~~

12 SECTION 4.02 ~~3.02~~. QUALIFICATIONS.

13 A. The candidate for the position of County
14 Comptroller shall be chosen on the basis of his or her
15 academic and administrative qualifications. At the time of
16 the County Comptroller's appointment, the County Comptroller
17 need not be a resident of this state. Neither the County Mayor
18 nor any County Commissioner shall be eligible for the position
19 of County Comptroller during or within 2 years after the
20 expiration of their respective terms.

21 B. The County Commission shall create a County
22 Comptroller Nominating Committee to interview candidates for
23 the position of County Comptroller and to make nominations for
24 County Comptroller to the full County Commission. Each member
25 of the County Commission and the County Mayor shall appoint a
26 county resident to serve on the committee. Elected county
27 officials, employees of the county, and registered lobbyists
28 are disqualified for appointment to the County Comptroller
29 Nominating Committee. A vote of not less than 8 members of
30 the full County Commission shall be required to appoint the
31 County Comptroller.

1 ~~Commencing with the election of Mayor in 1996, the~~
2 ~~Manager shall be chosen on the basis of the Manager's~~
3 ~~executive and administrative qualifications. At the time of~~
4 ~~the Manager's appointment the Manager need not be a resident~~
5 ~~of the state. Neither the Mayor nor any Commissioner shall be~~
6 ~~eligible for the position of Manager during or within two~~
7 ~~years after the expiration of their respective terms.~~

8 ~~SECTION 3.03. ABSENCE OF MANAGER.~~

9 ~~Commencing with the election of Mayor in 1996, the~~
10 ~~Mayor, subject to the approval of the Commission, may~~
11 ~~designate a qualified administrative officer of the county to~~
12 ~~assume the duties and authority of the Manager during periods~~
13 ~~of temporary absence or disability of the Manager.~~

14 ~~SECTION 4.03~~ 3.04. POWERS AND DUTIES.

15 A. The County Comptroller shall establish the Office
16 of the Auditor General and shall do all things necessary to
17 ensure contract and financial compliance with procurement
18 decisions made by the county and third parties in privity by
19 the County. The County Comptroller shall have staff and
20 offices necessary for the execution of these responsibilities.

21 ~~Commencing with the election of Mayor in 1996, the Manager~~
22 ~~shall be responsible for the administration of all units of~~
23 ~~the county government under the Manager's jurisdiction, and~~
24 ~~for carrying out policies adopted by the Commission. The~~
25 ~~Manager, or such other persons as may be designated by~~
26 ~~resolution of the Commission, shall execute contracts and~~
27 ~~other instruments, sign bonds and other evidences of~~
28 ~~indebtedness, and accept process.~~

29 B. The Office of the Inspector General shall be the
30 principal investigative arm within the Comptroller's Office.
31 The Office of Inspector General shall investigate alleged

1 violations of policy, procedures, and laws by officials,
2 employees, or third parties in privity with the County.~~Unless~~
3 ~~otherwise provided for by civil service rules and regulations,~~
4 ~~the Manager shall have the power to appoint and suspend all~~
5 ~~administrative department heads of the major departments of~~
6 ~~the county, to-wit: Tax Collector, Tax Assessor, Department of~~
7 ~~Public Works, Department of Public Safety, Building and Zoning~~
8 ~~Department, Planning Department, Finance Department, Park and~~
9 ~~Recreation Department and Internal Auditing Department, except~~
10 ~~that before any appointment shall become effective, the said~~
11 ~~appointment must be approved by the County Commission and if~~
12 ~~the same is disapproved the said appointment shall be void. In~~
13 ~~the event such appointment shall be disapproved by the County~~
14 ~~Commission the appointment shall forthwith become null and~~
15 ~~void and thereupon the County Manager shall make a new~~
16 ~~appointment or appointments, each of which shall likewise be~~
17 ~~submitted for approval by the County Commission. However, the~~
18 ~~right to suspend, remove or discharge any department head with~~
19 ~~or without cause, is reserved at all times to the County~~
20 ~~Manager.~~

21 C. The County Comptroller shall be the County's
22 liaison to the Commission on Ethics and Public Trust and shall
23 be responsible for funding the operations and administration
24 of the Commission on Ethics and Public Trust.

25 D. The County Comptroller shall submit a legislative
26 budget request delineating the resources needed to carry out
27 the functions mandated by the Charter.

28 SECTION 4.04 ~~3.05~~. RESTRICTION ON OFFICE OF
29 COMPTROLLER ~~COMMISSION MEMBERS~~.

30 Neither the County Mayor nor any County Commissioner
31 shall direct or request the appointment of any person to, or

1 his or her removal from, office by the County Comptroller or
2 any of the County Comptroller's subordinates. Any willful
3 violation of the provisions of this Section by the County
4 Mayor or any County Commissioner shall be grounds for his or
5 her removal from office by an action brought in the Circuit
6 Court by the State Attorney of this County.~~Neither the Mayor~~
7 ~~nor any Commissioner shall direct or request the appointment~~
8 ~~of any person to, or his or her removal from, office by the~~
9 ~~Manager or any of the Manager's subordinates, or take part in~~
10 ~~the appointment or removal of officers and employees in the~~
11 ~~administrative services of the county. Except for the purpose~~
12 ~~of inquiry, as provided in Section 1.01A(20), the Mayor and~~
13 ~~Commissioners shall deal with the administrative service~~
14 ~~solely through the Manager and neither the Mayor nor any~~
15 ~~Commissioner shall give orders to any subordinates of the~~
16 ~~Manager, either publicly or privately. Any willful violation~~
17 ~~of the provisions of this Section by the Mayor or any~~
18 ~~Commissioner shall be grounds for his or her removal from~~
19 ~~office by an action brought in the Circuit Court by the State~~
20 ~~Attorney of this county.~~

21
22 ARTICLE - 5 ~~4~~

23
24 ADMINISTRATIVE ORGANIZATION AND PROCEDURE

25 SECTION 5.01 ~~4.01~~. OFFICES OF THE DEPUTY COUNTY MAYORS
26 DEPARTMENTS. The County Administration shall be organized into
27 five service offices each headed by a Deputy County Mayor.
28 The County Mayor shall nominate a Deputy County Mayor for each
29 of the service offices of Public Safety, Planning and
30 Infrastructure, Transportation and Economic Development, Human
31 Services, and Governmental Operations. A majority vote of the

1 County Commission shall be required for confirmation of any
2 nominee for a Deputy County Mayor. Each Deputy County Mayor
3 shall have responsibility for a cluster of related
4 departments. Initially, the departments within the five
5 service offices shall be delineated as follows:

6 A. Within the Office of the Deputy County Mayor for
7 Public Safety, the departments of:

- 8 (1) Corrections and Rehabilitation.
9 (2) Emergency Management.
10 (3) Miami-Dade Fire Rescue.
11 (4) Medical Examiner.
12 (5) Miami-Dade Police.
13 (6) Youth Crime Task Force.
14 (7) Animal Control.

15 B. Within the Office of Deputy County Mayor for
16 Planning and Infrastructure:

- 17 (1) Department of Environmental Resources Management.
18 (2) Office of Water Management.
19 (3) Planning and Zoning.
20 (4) Public Works.
21 (5) Solid Waste.
22 (6) Water and Sewer.
23 (7) Building.
24 (8) Capital Improvement Coordination.
25 (9) Code Compliance.
26 (10) Parks & Recreation.

27 C. Within the Office of the Deputy County Mayor for
28 Transportation and Economic Development:

- 29 (1) Beacon Council.
30 (2) Chambers of Commerce.
31 (3) Community & Economic Development.

- 1 (4) Consumer Services.
2 (5) Empowerment Zone.
3 (6) Greater Miami Convention & Visitors Bureau.
4 (7) Metro-Miami Action Plan.
5 (8) Urban Revitalization Task Force.
6 (9) Aviation.
7 (10) Seaport.
8 (11) Transit.
9 (12) Miami-Dade Expressway Authority.
10 (13) Metropolitan Planning Organization.
11 (14) Business Development.
12 (15) Tourist Development Council.
13 D. Within the Office of the Deputy County Mayor for
14 Human Services:
15 (1) Community Action Agencies.
16 (2) Housing.
17 (3) Community Relations Bureau.
18 (4) Homeless Trust.
19 (5) Housing Finance Authority.
20 (6) Human Services.
21 (7) Public Health Trust.
22 (8) Training and Education.
23 E. Within the Office of the Deputy County Mayor for
24 Governmental Operations:
25 (1) Tax Collector.
26 (2) Property Appraiser.
27 (3) Team Metro.
28 (4) Art in Public Places.
29 (5) Cultural Affairs.
30 (6) Libraries.
31 (7) Museums.

1 (8) Performing Arts.

2 ~~There shall be departments of finance, personnel,~~
3 ~~planning, law, and such other departments as may be~~
4 ~~established by administrative order of the Manager. All~~
5 ~~functions not otherwise specifically assigned to others by~~
6 ~~this Charter shall be performed under the supervision of the~~
7 ~~Manager.~~

8 SECTION 5.02 ~~4.02~~. ADMINISTRATIVE PROCEDURE.

9 The County Mayor ~~Manager~~ shall have the power to issue
10 and place into effect administrative orders, rules, and
11 regulations. The organization and operating procedure of
12 departments shall be set forth in administrative regulations
13 which the County Mayor ~~Manager~~ shall develop, place into
14 effect by administrative orders, and submit to the Board. The
15 Board may, by resolution, modify such orders, rules or
16 regulations providing, however, no such orders, rules or
17 regulations creating, merging, or combining departments, shall
18 become effective until approved by resolution of the Board.

19 SECTION 5.03 ~~4.03~~. FINANCIAL PLANNING ~~ADMINISTRATION~~.

20 A. The Executive Office of the County Mayor shall be
21 ~~responsible for the department of finance shall be headed by a~~
22 ~~finance director appointed by the Manager. The finance~~
23 ~~director shall have charge of the financial administration~~
24 ~~affairs of the county.~~

25 B. ~~On or before the date established by law, the~~
26 ~~Manager shall recommend to the Board a proposed budget~~
27 ~~presenting a complete financial plan, including capital and~~
28 ~~operating budgets, for the ensuing fiscal year. A summary of~~
29 ~~the budget shall be published and the Board shall hold~~
30 ~~hearings on and adopt a budget.~~

31

1 ~~B.C.~~ No money shall be drawn from the county treasury
2 nor shall any obligation for the expenditure of money be
3 incurred except pursuant to appropriation and except that the
4 Board may establish working capital, revolving, pension, or
5 trust funds and may provide that expenditures from such funds
6 can be made without specific appropriation. The Board, by
7 ordinance, may transfer any unencumbered appropriation
8 balance, or any portion thereof, from one department, fund, or
9 agency to another, subject to the provisions of ordinance. Any
10 portion of the earnings or balance of the several funds, other
11 than sinking funds for obligations not yet retired, may be
12 transferred to the general funds of the county by the Board.

13 ~~C.D.~~ Contracts for public improvements and purchases
14 of supplies, materials, and services other than professional
15 shall be made whenever practicable on the basis of
16 specifications and competitive bids. Formal sealed bids shall
17 be secured by the procuring agent of the county for all such
18 contracts and purchases when the transaction involves more
19 than the minimum amount established by the Board of County
20 Commissioners by ordinance. The transaction shall be evidenced
21 by written contract submitted and approved by the procuring
22 agency of the county ~~Board~~. The Board, upon written
23 recommendation of the County Comptroller ~~Manager~~, may by
24 resolution adopted by two-thirds vote of the members present
25 waive competitive bidding when it finds this to be in the best
26 interest of the county. Any contract awarded on a no-bid basis
27 must be open for formal competitive bidding within 6 months
28 after the date of the award.

29 ~~D.E.~~ Any county official or employee of the county
30 who has a personal ~~special~~ financial interest, direct or
31 indirect, in any action by the Board shall make known that

1 interest and shall refrain from voting upon or otherwise
2 participating in such transaction. Willful violation of this
3 Section shall constitute malfeasance in office, shall effect
4 forfeiture of office or position, and render the transaction
5 voidable by the Board.

6 E.F. Such officers and employees of the county as the
7 Board may designate shall give bond in the amount and with the
8 surety prescribed by the Board. The bond premiums shall be
9 paid by the county.

10 F.G. At the end of each fiscal year, the County
11 Comptroller Board shall provide for an audit by an independent
12 certified public accountant designated by the County
13 Comptroller Board of the accounts and finances of the county
14 for the fiscal year just completed.

15 ~~H. The Budget Commission created by Chapter 21874,~~
16 ~~Laws of Florida, 1943, is hereby abolished, and Chapter 21874~~
17 ~~shall no longer be of any effect.~~

18 SECTION 5.04 ~~4.04~~. ASSESSMENT AND COLLECTION OF TAXES.

19 A. Beginning with the tax year 1961, the county tax
20 rolls prepared by the county shall be the only legal tax rolls
21 in this county for the assessment and collection of county and
22 municipal taxes. Thereafter no municipality shall have an
23 assessor or prepare an ad valorem tax roll. Each municipality
24 shall continue to have the right to adopt its own budget, fix
25 its own millage, and levy its own taxes. Each municipality
26 shall certify its levies to the County Mayor ~~Manager~~ not later
27 than 30 days after the county tax rolls have been finally
28 approved by the Board. Any municipality may obtain a copy of
29 this tax roll upon payment of the cost of preparing such a
30 copy, and copies of the tax rolls shall be available for
31 public inspection at reasonable times. Maps showing the

1 assessed valuation of each parcel of property may be prepared
2 and made available for sale to the public at a reasonable
3 price.

4 B. All county and municipal taxes for the tax year
5 beginning January 1, 1961, and all subsequent tax years, shall
6 be collected by the county on one bill prepared and sent out
7 by the county. The amounts of county and municipal taxes shall
8 be shown as separate items, and may be paid separately.

9 C. Delinquent municipal taxes shall be collected in
10 the same manner as delinquent county taxes.

11 D. All the tax revenues collected for any municipality
12 shall be returned monthly by the county to the municipality.

13 SECTION 5.05 ~~4.05~~. CIVIL SERVICE DEPARTMENT OF
14 PERSONNEL.

15 A. The Board of County Commissioners shall establish
16 and maintain personnel and civil service, retirement, and
17 group insurance programs. The personnel system of the county
18 shall be based on merit principles in order to foster
19 effective career service in county employment and to employ
20 those persons best qualified for county services which they
21 are to perform.

22 ~~B. The County Manager shall appoint a personnel~~
23 ~~director who shall head the department of personnel and whose~~
24 ~~duty it shall be to administer the personnel and civil service~~
25 ~~programs and the rules governing them. The standards of such~~
26 ~~programs shall not be less than those prevailing at the time~~
27 ~~of the effective date of this Charter.~~

28 B.C. Except as provided herein, Chapter 30255,
29 General Laws, 1955, as it exists on the effective date of this
30 Charter, shall remain in effect until amended or changed by
31 ordinance of the Board of County Commissioners adopted by

1 two-thirds vote of the members present after recommendation
2 from either the Personnel Advisory Board or the County Mayor
3 Manager.

4 C.D. Employees of municipalities who, by merger,
5 transfer, or assignment of governmental units or functions
6 become county employees, shall not lose the civil service
7 rights or privileges which have accrued to them during their
8 period of employment with such municipality, and the county
9 shall use its best efforts to employ these employees within
10 the limits of their capabilities. However, if because of the
11 merger of a department or division of a municipality with the
12 county, all of the employees of such department or division
13 are unable to be employed by the county either because of lack
14 of funds or lack of work, the employee possessing the greater
15 amount of service shall be retained in accordance with civil
16 service rules and regulations. Those employees who are not
17 retained shall be placed on a priority list for employment by
18 the county subject to seniority. Any non-retained employee
19 shall have the option, if a vacancy occurs or exists in
20 another department, and if he is qualified to render the
21 service required, to either accept such employment or remain
22 on the priority list until such time as employment shall be
23 available for him in his own or similar classification.

24 D.E. The pension plan presently provided by the state
25 for county employees shall not be impaired by the Board.
26 Employees of municipalities, who by merger, transfer, or
27 assignment of governmental units or functions become county
28 employees shall not lose their pension rights, or any reserves
29 accrued to their benefit during their period of employment
30 with such municipality. The Board of County Commissioners
31 shall provide a method by which these employees' rights and

1 reserves shall be protected, and these employees shall
2 continue until retirement, dismissal, or death in a pension
3 status no less beneficial than the status held by them at the
4 time of merger or assignment.

5 E F. The Board of County Commissioners shall provide
6 and place into effect a practical group insurance plan for all
7 county employees.

8 SECTION 5.06 ~~4.06~~. OFFICE OF COUNTY ATTORNEY
9 ~~DEPARTMENT OF LAW.~~

10 There shall be a county attorney appointed by the Board
11 of County Commissioners who shall serve at the will of the
12 Board and who shall head the Office of County Attorney
13 ~~department of law~~. The County Attorney ~~He~~ shall devote ~~his~~
14 full time to the service of the county and shall serve as
15 legal counsel to the Board, ~~Manager~~, and all county
16 departments, offices, and agencies, and perform such other
17 legal duties as may be assigned to the County Attorney ~~him~~.
18 With the approval of the Board, the County Attorney ~~he~~ may
19 appoint such assistants as may be necessary in order that the
20 ~~his~~ duties of the County Attorney may be performed properly.
21 The Board may employ special counsel for specific needs.

22 SECTION 5.07 ~~4.07~~. DEMOGRAPHIC, POLICY, AND DEPARTMENT
23 ~~OF PLANNING.~~

24 ~~The department of planning shall be headed by a~~
25 ~~planning director appointed by the County Manager. The~~
26 ~~planning director shall be qualified in the field of planning~~
27 ~~by special training and experience.~~ Under the supervision of
28 the County Mayor ~~Manager~~ and with the advice of the Planning
29 Advisory Board elsewhere provided for in this Charter, the
30 Office of Deputy County Mayor of Planning and Infrastructure
31 ~~director~~ shall among other things:

1 1. Conduct studies of county population, land use,
2 facilities, resources, and needs and other factors which
3 influence the county's development, and on the basis of such
4 studies prepare such official and other maps and reports as,
5 taken together, constitute a master plan for the welfare,
6 recreational, economic, and physical development of the
7 county.

8 2. Prepare for review by the Planning Advisory Board,
9 and for adoption by the Board of County Commissioners, zoning,
10 subdivision and related regulations for the unincorporated
11 areas of the county and minimum standards governing zoning,
12 subdivision, and related regulations for the municipalities;
13 and prepare recommendations to effectuate the master plan and
14 to coordinate the county's proposed capital improvements with
15 the master plan.

16 3. Review the municipal systems of planning, zoning,
17 subdivision, and related regulations and make recommendations
18 thereon with a view of coordinating such municipal systems
19 with one another and with those of the county.

20 SECTION 5.08 ~~4.08~~. BOARDS.

21 A. The Board of County Commissioners shall by
22 ordinance create a Planning Advisory Board, a Zoning Appeals
23 Board, and such other boards as it may deem necessary,
24 prescribing in each case the number, manner of appointment,
25 length of term, and advisory or quasi-judicial duties of
26 members of such boards, who shall serve without compensation
27 but who may be reimbursed for necessary expenses incurred in
28 official duties, as may be determined and approved by the
29 Board of County Commissioners.

30 B. The Board of County Commissioners may by ordinance
31 provide for the ~~expansion of the City of Miami~~ Water and Sewer

1 Board to act as an agency county-wide in scope and authority,
2 with the power to acquire, construct and operate water and
3 sewer systems within the incorporated and the unincorporated
4 areas of Dade County, which agency shall be known as the
5 Miami-Dade Water and Sewer Authority. The Miami-Dade Water and
6 Sewer Authority shall have the responsibility to develop and
7 operate a county-wide water and sewer system for the purpose
8 of providing potable water, sewage collection and disposal and
9 water pollution abatement to the citizens of Dade County.

10 C. Miami-Dade ~~Dade~~ County shall retain all its powers,
11 including but not limited to that of eminent domain, in
12 relation to the creation of a county-wide water and sewer
13 system, for the purpose of cooperating with the Miami-Dade
14 Water and Sewer Authority.

15
16 ARTICLE - 6 5

17
18 MUNICIPALITIES

19 SECTION 6.01 ~~5-01~~. CONTINUANCE OF MUNICIPALITIES.

20 The municipalities in the county shall remain in
21 existence so long as their electors desire. No municipality in
22 the county shall be abolished without approval of a majority
23 of its electors voting in an election called for that purpose.
24 The right of self determination in local affairs is reserved
25 and preserved to the municipalities except as otherwise
26 provided in this Charter.

27 SECTION 6.02 ~~5-02~~. MUNICIPAL POWERS.

28 Each municipality shall have the authority to exercise
29 all powers relating to its local affairs not inconsistent with
30 this Charter. Each municipality may provide for higher
31 standards of zoning, service, and regulation than those

1 provided by the Board of County Commissioners in order that
2 its individual character and standards may be preserved for
3 its citizens.

4 SECTION 6.03 ~~5-03~~. MUNICIPAL CHARTERS.

5 A. Except as provided in Section 6.04 ~~5-04~~, any
6 municipality in the county may adopt, amend, or revoke a
7 charter for its own government or abolish its existence in the
8 following manner. Its governing body shall, within 120 days
9 after adopting a resolution or after the certification of a
10 petition of ten percent of the qualified electors of the
11 municipality, draft or have drafted by a method determined by
12 municipal ordinance a proposed charter amendment, revocation,
13 or abolition which shall be submitted to the electors of the
14 municipalities. Unless an election occurs not less than 60 nor
15 more than 120 days after the draft is submitted, the proposal
16 shall be submitted at a special election within that time. The
17 governing body shall make copies of the proposal available to
18 the electors not less than 30 days before the election.
19 Alternative proposals may be submitted. Each proposal approved
20 by a majority of the electors voting on such proposal shall
21 become effective at the time fixed in the proposal.

22 B. All municipal charters, amendments thereto, and
23 repeals thereof shall be filed with the Clerk of the Circuit
24 Court.

25 SECTION 6.04 ~~5-04~~. CHANGES IN MUNICIPAL BOUNDARIES.

26 A. The Office of Deputy County Mayor of Planning and
27 Infrastructure ~~director~~ shall study municipal boundaries with
28 a view to recommending their orderly adjustment, improvement,
29 and establishment. Proposed boundary changes may be initiated
30 by the Planning Advisory Board, the Board of County
31

1 Commissioners, the governing body of a municipality, or by a
2 petition of any person or group concerned.

3 B. The Board of County Commissioners, after obtaining
4 the approval of the municipal governing bodies concerned,
5 after hearing the recommendations of the Planning Advisory
6 Board, and after a public hearing, may by ordinance effect
7 boundary changes, unless the change involves the annexation or
8 separation of an area of which more than 250 residents are
9 electors, in which case an affirmative vote of a majority of
10 those electors voting shall also be required. Upon any such
11 boundary change any conflicting boundaries set forth in the
12 charter of such municipality shall be considered amended.

13 C. No municipal boundary shall be altered except as
14 provided by this Section.

15 SECTION 6.05 ~~5.05~~. CREATION OF NEW MUNICIPALITIES.

16 The Board of County Commissioners and only the Board
17 may authorize the creation of new municipalities in the
18 unincorporated areas of the county after hearing the
19 recommendations of the Planning Advisory Board, after a public
20 hearing, and after an affirmative vote of a majority of the
21 electors voting and residing within the proposed boundaries.
22 The Board of County Commissioners shall appoint a charter
23 commission, consisting of five electors residing within the
24 proposed boundaries, who shall propose a charter to be
25 submitted to the electors in the manner provided in Section
26 6.03 ~~5.03~~. The new municipality shall have all the powers and
27 rights granted to or not withheld from municipalities by this
28 Charter and the Constitution and general laws of the State of
29 Florida. Notwithstanding any provision of this Charter to the
30 contrary, with regard to any municipality created after
31 September 1, 2000, the pre-agreed conditions between the

1 County and the prospective municipality which are included in
2 the municipal charter may only be changed if approved by an
3 affirmative vote of two-thirds of the members of the Board of
4 County Commissioners then in office, prior to a vote of
5 qualified municipal electors.

6 SECTION 6.06 ~~5.06~~. CONTRACTS WITH OTHER UNITS OF
7 GOVERNMENT.

8 Every municipality in this county shall have the power
9 to enter into contracts with other governmental units within
10 or outside the boundaries of the municipality or the county
11 for the joint performance or performance by one unit in behalf
12 of the other of any municipal function.

13 SECTION 6.07 ~~5.07~~. FRANCHISE AND UTILITY TAXES.

14 Revenues realized from franchise and utility taxes
15 imposed by municipalities shall belong to municipalities.

16

17 ARTICLE - 7 ~~6~~

18

19 PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

20 ~~Note: This Article does not apply to municipal property~~
21 ~~in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater~~
22 ~~and West Miami. See Section 6.04.~~

23 SECTION 7.01 ~~6.01~~. POLICY.

24 Parks, aquatic preserves, and lands acquired by the
25 County for preservation shall be held in trust for the
26 education, pleasure, and recreation of the public and they
27 shall be used and maintained in a manner which will leave them
28 unimpaired for the enjoyment of future generations as a part
29 of the public's irreplaceable heritage. They shall be
30 protected from commercial development and exploitation and
31 their natural landscape, flora and fauna, and scenic beauties

1 shall be preserved. In lands acquired by the County for
2 preservation and in parks along the Ocean or the Bay the
3 public's access to and view of the water shall not be
4 obstructed or impaired by buildings or other structures or
5 concessions which are in excess of 1500 square feet each.
6 Adequate maintenance shall be provided.

7 SECTION 7.02 ~~6.02~~. RESTRICTIONS AND EXCEPTIONS.

8 In furtherance of this policy parks shall be used for
9 public park purposes only, and subject to the limited
10 exceptions set forth in this Article, there shall be no
11 permanent structures or private commercial advertising erected
12 in a public park or private commercial use of a public park or
13 renewals, expansions, or extensions of existing leases,
14 licenses, or concessions to private parties of public park
15 property, unless each such structure, lease, license, renewal,
16 expansion, extension, concession or use shall be approved by a
17 majority vote of the voters in a County-wide referendum.
18 Nothing in this Article shall prevent any contract with
19 federally tax-exempt not-for-profit youth, adult, and senior
20 cultural, conservation and parks and recreation program
21 providers. To ensure aquatic preserves, lands acquired by the
22 County for preservation, and public parks or parts thereof
23 which are nature preserves, beaches, natural forest areas,
24 historic or archeological areas, or otherwise possess unique
25 natural values in their present state, such as Matheson
26 Hammock, Greynolds Park, Redlands Fruit and Spice Park,
27 Castellow Hammock, Crandon Park, Trail Glades Park, Deering
28 Estate Park, Pine Shore Park, Old Cutler Hammock, Chapman
29 Field, Tamiami Pinelands, Wainright Park, Larry and Penny
30 Thompson Park, Whispering Pines Hammock, Mangrove Preserve,
31 Owaissa Bauer Park, Fuchs Hammock, Black Point Marina, Simpson

1 Park, Sewell Park, Barnes Park, Virginia Key, mangrove
2 preserves, and all other natural or historical resource based
3 parks do not lose their natural or historical values, any
4 structure, lease, license, renewal, extension, concession or
5 use in any of this class of public parks or in aquatic
6 preserves and preservation lands must be approved by an
7 affirmative vote of two-thirds of the voters in a County-wide
8 referendum. No park shall be designed to be used beyond its
9 appropriate carrying capacity and to the extent required by
10 law all parks and facilities and permitted special events and
11 concessions operating in the parks shall be fully accessible
12 to persons with disabilities. Nothing in this Article shall
13 prevent the maintenance of existing facilities, the
14 maintenance, operation, and renovation of existing golf course
15 and marina restaurants at their existing square footage by
16 government agencies or private operators, provided such
17 private operators are chosen as a result of competitive
18 selection and their initial contract terms are limited to no
19 more than ten years, or the construction, operation,
20 maintenance, and repair by government agencies or private
21 operators of or issuance of temporary permits for:

22 A. Appropriate access roads, bridges, fences,
23 lighting, flag poles, entrance features, picnic shelters,
24 tables, grills, benches, irrigation systems, walls, erosion
25 control devices, utilities, trash removal, parking and
26 security and fire facilities for the primary use of the park
27 system;

28 B. Food and concession facilities each not in excess
29 of 1500 square feet of enclosed space, with any complementary
30 outdoor or covered areas needed to service park patrons;

31

- 1 C. User-participation non-spectator recreation and,
2 playground facilities, golf courses and golf-course related
3 facilities, and bandstands and bandshells containing less than
4 1,000 spectator seats and athletic facilities, sports fields
5 and arenas containing less than 3,000 spectator seats;
- 6 D. Facilities for marinas, sightseeing and fishing
7 boats, visiting military vessels, and fishing;
- 8 E. Park signage and appropriate plaques and monuments;
- 9 F. Rest rooms;
- 10 G. Fountains, gardens, and works of art;
- 11 H. Park service facilities, senior, day care and
12 pre-school facilities, small nature centers with not more than
13 one classroom;
- 14 I. Film permits, temporary fairs, art exhibits,
15 performing arts, concerts, cultural and historic exhibitions,
16 regattas, athletic contests and tournaments, none of which
17 require the erection of permanent structures;
- 18 J. Advertising in connection with sponsorship of
19 events or facilities in the park, provided however all such
20 facilities and uses are compatible with the particular park
21 and are scheduled so that such events do not unreasonably
22 impair the public use of the park or damage the park.
- 23 K. Programming partnerships with qualified federally
24 tax exempt not-for-profit youth, adult, and senior cultural,
25 conservation, and parks and recreation program providers;
- 26 L. Agreements with cable, internet, telephone,
27 electric or similar service providers or utilities, so long as
28 any installations are underground or do not adversely impact
29 natural resources, or parks facilities and uses. No park
30 facilities, golf courses, or County lands acquired for
31 preservation shall be converted to or used for non-park

1 offices, purposes, or uses. The County, the municipalities,
2 and agencies or groups receiving any public funding shall not
3 expend any public money or provide any publicly funded
4 services in kind to any project which does not comply with
5 this Article. No building permit or certificate of occupancy
6 shall be issued for any structure in violation of this
7 Article. The restrictions applying to parks in this Article
8 shall not apply to the Dade County Youth Fair site, Metro Zoo,
9 Tamiami Stadium, Haulover Fishing Pier, the Dade County
10 Auditorium, the Museum of Science, the Gold Coast Railroad
11 Museum, Vizcaya Museum and Gardens, Trail Glade Range, the
12 Orange Bowl, the Commodore Ralph Munroe Marine Stadium, the
13 Seaquarium, Curtis Park track and stadium, Fairchild Tropical
14 Gardens, and mini and neighborhood parks except that no mini
15 or neighborhood park may be leased or disposed of unless a
16 majority of the residents residing in voting precincts any
17 part of which is within 1 mile of the park authorize such sale
18 or lease by majority vote in an election.

19 SECTION 7.03 ~~6.03~~. ENFORCEMENT AND CONSTRUCTION.

20 All elections required by this Article shall be held
21 either in conjunction with state primary or general elections
22 or as part of bond issue elections. The provisions of this
23 Article may be enforced in the same manner as provided in
24 Section (C) of the Citizens' Bill of Rights of this Charter.
25 The provisions of this Article shall be liberally construed in
26 favor of the preservation of all park lands, aquatic
27 preserves, and preservation lands. If any provision of this
28 Article shall be declared invalid it shall not affect the
29 validity of the remaining provisions of this Article. This
30 Article shall not be construed to illegally impair any
31

1 previously existing valid written contractual commitments or
2 bids or bonded indebtedness.

3 SECTION 7.04 ~~6.04~~. JURISDICTION.

4 Except as otherwise provided herein the provisions of
5 this Article shall apply to all County and municipal parks,
6 aquatic preserves, and lands acquired by the County for
7 preservation now in existence or hereafter acquired, ~~provided~~
8 ~~that if this Article was not favorably voted upon by a~~
9 ~~majority of the voters voting in any municipality at the time~~
10 ~~of the adoption of this Article the municipal parks of such~~
11 ~~municipality shall be excluded from the provisions of this~~
12 ~~Article.~~

13
14 ARTICLE - 8 ~~7~~

15
16 INITIATIVE, REFERENDUM, AND RECALL

17 SECTION 8.01 ~~7.01~~. INITIATIVE AND REFERENDUM.

18 The electors of the county shall have the power to
19 propose to the Board of County Commissioners passage or repeal
20 of ordinances and to vote on the question if the Board refuses
21 action, according to the following procedure:

22 1. The person proposing the exercise of this power
23 shall submit the proposal to the Board which shall without
24 delay approve as to form a petition for circulation in one or
25 several copies as the proposer may desire.

26 2. The person or persons circulating the petition
27 shall, within 60 days of the approval of the form of the
28 petition, obtain the valid signatures of voters in the county
29 in numbers at least equal to four percent of the registered
30 voters in the county on the day on which the petition is
31 approved, according to the official records of the County

1 Supervisor of Elections. In determining the sufficiency of the
2 petition, no more than 25 percent of the valid signatures
3 required shall come from voters registered in any single
4 county commission district. Each signer of a petition shall
5 place thereon, after his name, the date, and his place of
6 residence or precinct number. ~~Each person circulating a copy
7 of the petition shall attach to it a sworn affidavit stating
8 the number of signers and the fact that each signature was
9 made in the presence of the circulator of the petition.~~

10 3. The signed petition shall be filed with the Board
11 which shall within 30 days order a canvass of the signatures
12 thereon to determine the sufficiency of the signatures. If the
13 number of signatures is insufficient or the petition is
14 deficient as to form or compliance with this Section, the
15 Board shall notify the person filing the petition that the
16 petition is insufficient and has failed.

17 4. The Board shall within 30 days after the date a
18 sufficient petition is presented either:

19 (a) Adopt the ordinance as submitted in an initiatory
20 petition or repeal the ordinance referred to by a referendary
21 petition, or

22 (b) Submit the proposal to the electors in impartial
23 and concise language and in such manner as provides a clear
24 understanding of the proposal.

25 5. If the Board determines to submit the proposal to
26 the electors, the election shall be held either:

27 (a) In the next scheduled county-wide election, or

28 (b) If the petition contains the valid signatures in
29 the county in numbers at least equal to eight percent of the
30 registered voters in the county, the election shall take place
31 within 120 days after the date the petition is presented to

1 the Board, preferably in an election already scheduled for
2 other purposes, otherwise in a special election. The result
3 shall be determined by a majority vote of the electors voting
4 on the proposal.

5 6. An ordinance proposed by initiatory petition or the
6 repeal of an ordinance by referendary petition shall be
7 effective on the day after the election, except that:

8 (a) Any reduction or elimination of existing revenue
9 or any increase in expenditures not provided for by the
10 current budget or by existing bond issues shall not take
11 effect until the beginning of the next succeeding fiscal year;
12 and

13 (b) Rights accumulated under an ordinance between the
14 time a certified referendary petition against the ordinance is
15 presented to the Board and the repeal of the ordinance by the
16 voters, shall not be enforced against the county; and

17 (c) Should two or more ordinances adopted at the same
18 election have conflicting provisions, the one receiving the
19 highest number of votes shall prevail as to those provisions.

20 7. An ordinance adopted by the electorate through
21 initiatory proceedings shall not be amended or repealed by the
22 Board for a period of one year after the election at which it
23 was adopted, but thereafter it may be amended or repealed like
24 any other ordinance.

25 SECTION 8.02 ~~7.02~~. RECALL.

26 Any member of the Board of County Commissioners or the
27 County Mayor ~~Sheriff or any Constable~~ may be removed from
28 office by the electors of the county, district, or
29 municipality by which the officeholder ~~he~~ was chosen. The
30 procedure on a recall petition shall be identical with that
31 for an initiatory or referendary petition, except that:

1 1. The Clerk of the Circuit Court shall approve the
2 form of the petition.

3 2. The person or persons circulating the petition must
4 obtain signatures of electors of the county, district, or
5 municipality concerned in numbers at least equal to four
6 percent of the registered voters in the county district or
7 municipality on the day on which the petition is approved,
8 according to the official records of the County Supervisor of
9 Elections.

10 3. The signed petition shall be filed with and
11 canvassed and certified by the Clerk of the Circuit Court.

12 4. The Board of County Commissioners must provide for
13 a recall election not less than 45 nor more than 90 days after
14 the certification of the petition.

15 5. The question of recall shall be placed on the
16 ballot in a manner that will give the elector a clear choice
17 for or against the recall. The result shall be determined by a
18 majority vote of the electors voting on the question.

19 6. If the majority is against recall the officer shall
20 continue in office under the terms of his previous election.
21 If the majority is for recall he shall, regardless of any
22 defect in the recall petition, be deemed removed from office
23 immediately.

24 7. No recall petition against such an officer shall be
25 certified within one year after he takes office nor within one
26 year after a recall petition against him is defeated.

27 ~~8. Any vacancy created by recall in the offices of~~
28 ~~Sheriff or Constables shall be filled for the remaining term~~
29 ~~by appointment by the Board of County Commissioners, or the~~
30 ~~Board may require the office to be filled at the next regular~~
31 ~~election or at a special election called for that purpose.~~

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ARTICLE - 9 ~~8~~

GENERAL PROVISIONS

SECTION 9.01 ~~8.01~~. ABOLITION OF CERTAIN OFFICES AND
TRANSFER OF FUNCTIONS.

A. On (this date is to be established) ~~May 1, 1958,~~
the following offices are hereby abolished and the powers and
functions of such offices are hereby transferred to the County
Mayor ~~Manager~~ who shall provide for the continuation of all
the duties and functions of these offices required under the
Constitution and general laws of this state: County Property
Appraiser ~~Assessor of Taxes~~, County Tax Collector, County
Surveyor, and County Purchasing Agent, ~~and County Supervisor~~
~~of Registration.~~

B. The County Mayor ~~Manager~~ may delegate to suitable
persons the powers and functions of such officers, ~~provided~~
~~however that until the term of office for which they were~~
~~elected shall terminate the County Assessor of Taxes, the~~
~~County Tax Collector, the County Supervisor of Registration,~~
~~and the County Purchasing Agent shall each if he so desires~~
~~remain in his position and receive the same salary as~~
~~presently provided for by statute.~~

C. ~~In the event that other elective officers are~~
~~abolished by the Board, the Board shall provide that any~~
~~person duly elected to such office shall if he so desires~~
~~remain in the same or similar position and receive the same~~
~~salary for the remainder of the term for which he was elected,~~
~~and shall provide for the continuation of all duties and~~
~~functions of these offices required under the Constitution and~~
~~general laws.~~

1 C.D. On said date ~~November 9, 1966~~, the Office of
2 Director of Public Safety ~~Sheriff~~ is hereby abolished and the
3 powers and functions of such office are hereby transferred to
4 the County Mayor ~~Manager~~, who shall provide for the
5 continuation of all the duties and functions of this office
6 required under the Constitution and general laws of this
7 state. The County Mayor ~~Manager~~ may delegate to a suitable
8 person or persons the powers and functions of such officer.
9 ~~Section 1.01A(19)(a) of this Charter is amended by deleting~~
10 ~~the word "Sheriff" and subsections (b) and (c) are repealed.~~

11 D. On said date, the Office of County Manager is
12 abolished and the powers and functions of such office are
13 hereby transferred to the County Mayor, except the duties and
14 functions of the Office of the County Comptroller listed under
15 Article 4.

16 E. On said date, the Office of the County Supervisor
17 of Registration is abolished and the powers and functions of
18 such office are hereby transferred to the County Supervisor of
19 Elections who shall provide for the continuation of all the
20 duties and functions of such office required under the
21 Constitution and general laws of this state as provided in
22 Section 3.02.

23 SECTION 9.02 ~~8.02~~. RESERVED.

24 SECTION 9.03 ~~8.03~~. TORT LIABILITY.

25 ~~The county shall be liable in actions of tort to the~~
26 ~~same extent that municipalities in the State of Florida are~~
27 ~~liable in actions in tort. However,~~ No suit shall be
28 maintained against the county for damages to persons or
29 property or for wrongful death arising out of any tort unless
30 written notice of claim shall first have been given to the
31 county in the manner and within the time provided by

1 ordinance, except that the time fixed by ordinance for notice
2 shall be not less than 30 days nor more than 120 days.

3 ~~Note: Waiver of County's tort immunity held~~
4 ~~unconstitutional in Kaulakisv. Boyd, Fla. 1962, 138 So.2d 505.~~

5 SECTION 9.04 ~~8.04~~. SUPREMACY CLAUSE.

6 A. This Charter and the ordinances adopted hereunder
7 shall in cases of conflict supersede all municipal charters
8 and ordinances, except as herein provided, and where
9 authorized by the Constitution, shall in cases of conflict
10 supersede all special and general laws of the state.

11 B. All other special and general laws and county
12 ordinances and rules and regulations not inconsistent with
13 this Charter shall continue in effect until they are
14 superseded by ordinance adopted by the Board pursuant to this
15 Charter and the Constitution.

16 SECTION 9.05 ~~8.05~~. EXISTING FRANCHISES, CONTRACTS, AND
17 LICENSES.

18 All lawful franchises, contracts, and licenses in force
19 on the effective date of this Charter shall continue in effect
20 until terminated or modified in accordance with their terms or
21 in the manner provided by law or this Charter.

22 SECTION 9.06 ~~8.06~~. EFFECT OF THE CHARTER.

23 ~~A.~~ This Charter shall be liberally construed in aid of
24 its declared purpose, which is to establish effective home
25 rule government in this county responsive to the people. If
26 any Article, Section, subsection, sentence, clause, or
27 provision of this Charter or the application thereof shall be
28 held invalid for any reason, the remainder of the Charter and
29 of any ordinances or regulations made thereunder shall remain
30 in full force and effect.

31

1 ~~B. Nothing in this Charter shall be construed to limit~~
2 ~~or restrict the power and jurisdiction of the Florida Railroad~~
3 ~~and Public Utilities Commission.~~

4 SECTION 9.07 ~~8.07~~. AMENDMENTS.

5 A. Amendments to this Charter may be proposed by a
6 resolution adopted by the Board of County Commissioners or by
7 petition of electors numbering not less than ten percent of
8 the total number of electors registered in Dade County at the
9 time the petition is submitted to the Board. Initiatory
10 petitions shall be certified in the manner required for
11 initiatory petitions for an ordinance.

12 B. Amendments to this Charter may be proposed by
13 initiatory petitions of electors biennially, only during even
14 numbered years in which state primary and general elections
15 are held. All elections on charter amendments proposed by
16 initiatory petitions shall be held in conjunction with state
17 primary or general elections, unless the Board of County
18 Commissioners shall determine to call a special election by
19 two-thirds vote of the entire membership.

20 C. Amendments to this Charter may be proposed by the
21 Board of County Commissioners at any time. Elections on
22 charter amendments proposed by the Board shall be held not
23 less than 60 nor more than 120 days after the Board adopts a
24 resolution proposing any amendment.

25 D. The result of all elections on charter amendments
26 shall be determined by a majority of the electors voting on
27 the proposed amendment.

28 SECTION 9.08 ~~8.08~~. REVISIONS.

29 At least once in every 5 year period the Board shall
30 review the Charter and determine whether or not there is a
31 need for revision. If the Board determines that a revision is

1 needed, it shall establish a procedure for the preparation of
2 a proposed revision of the Charter. The proposed revision
3 shall then be presented to the Board for review, modification
4 and approval. If the Board approves such proposed revision,
5 either with or without modification, it shall present such
6 proposed revision to the electorate in accordance with the
7 provisions of Section 9.07 ~~8.07~~ (C) and (D). Simultaneous
8 elections may be held on a proposed revision and on individual
9 amendments that are proposed.

10 SECTION 9.09 ~~8.09~~. EFFECTIVE DATE.

11 This Charter shall become effective 60 days after it is
12 ratified by a majority of the qualified electors of the county
13 voting on the Charter.

14
15 ARTICLE - 10 ~~9~~

16
17 NAME OF COUNTY

18 SECTION 10.01 ~~9.01~~. NAME OF COUNTY.

19 A. The name of Dade County shall officially be changed
20 to Miami-Dade County and all references to Dade County in the
21 Florida Constitution, Florida Statutes, Code of Metropolitan
22 Dade County, federal law, case law and other legal documents,
23 shall be deemed to be references to Miami-Dade County.

24 B. The Commission shall by ordinance provide a method
25 to implement the official name change.

26 Section 2. This act shall take effect only upon
27 approval by a majority of the electors of Miami-Dade County
28 voting in a referendum on this act at the general election
29 held in November 2002 and only on the effective date of an
30 amendment to the State Constitution approved at the general
31 election held in November 2002 authorizing amendments or

1 revisions to the home rule charter of Miami-Dade County by
2 special law approved by a vote of the electors.
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