

By the Council for Smarter Government and Representatives
Lacasa and Cantens

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; limiting eligibility of
17 the County Mayor under certain circumstances;
18 providing for Deputy County Mayors; requiring
19 the County Commission to annually appropriate
20 funds to the Executive Office of the County
21 Mayor for certain purposes; revising provisions
22 for election and terms of County Commissioners;
23 providing for nonpartisan election of a County
24 Supervisor of Elections; providing for powers
25 and duties of the County Supervisor of
26 Elections; providing for disqualification of
27 certain persons to vote or hold office;
28 specifying term limits for County Mayor and
29 County Commissioners; providing for a County
30 Comptroller; providing for functions,
31 qualifications, powers, and duties of the

1 County Comptroller; specifying a term of office
2 of the County Comptroller; specifying
3 restrictions relating to the Office of the
4 County Comptroller; providing for removal of
5 the County Comptroller; revising the
6 administrative organization and procedures of
7 the county; specifying service offices
8 associated with Deputy County Mayors;
9 specifying departments within such service
10 offices; providing for financial planning by
11 the Executive Office of the County Mayor;
12 providing requirements; providing for county
13 civil service; providing for the Office of
14 County Attorney; providing for demographic,
15 policy, and planning functions; abolishing the
16 office of County Manager and transferring to
17 the County Mayor the powers, duties, functions,
18 and responsibilities of the County Manager;
19 revising certain other provisions to conform;
20 providing severability for charter provisions;
21 providing severability; providing for a
22 contingent referendum; providing for effect
23 upon referendum approval; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. The Miami-Dade County Home Rule Charter is
29 amended to read:

30
31 MIAMI-DADE ~~DADE~~ COUNTY HOME RULE CHARTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

PREAMBLE

We, the people of this County, in order to secure for ourselves the benefits and responsibilities of home rule, to create a metropolitan government to serve our present and future needs, and to endow our municipalities with the rights of self determination in their local affairs, do under God adopt this home rule Charter.

CITIZENS' BILL OF RIGHTS

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

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

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

1 3. Public Records. All audits, reports, minutes,
2 documents and other public records of the County and the
3 municipalities and their boards, agencies, departments and
4 authorities shall be open for inspection at reasonable times
5 and places convenient to the public.

6 4. Minutes and Ordinance Register. The Clerk of the
7 Commission and of each municipal council shall maintain and
8 make available for public inspection an ordinance register
9 separate from the minutes showing the votes of each member on
10 all ordinances and resolutions listed by descriptive title.
11 Written minutes of all meetings and the ordinance register
12 shall be available for public inspection not later than 30
13 days after the conclusion of the meeting.

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

26 6. Right to Notice. Persons entitled to notice of a
27 County or municipal hearing shall be timely informed as to the
28 time, place and nature of the hearing and the legal authority
29 pursuant to which the hearing is to be held. Failure by an
30 individual to receive such notice shall not constitute
31 mandatory grounds for cancelling the hearing or rendering

1 invalid any determination made at such hearing. Copies of
2 proposed ordinances or resolutions shall be made available at
3 a reasonable time prior to the hearing, unless the matter
4 involves an emergency ordinance or resolution.

5 7. No Unreasonable Postponements. No matter once
6 having been placed on a formal agenda by the County or any
7 municipality shall be postponed to another day except for good
8 cause shown in the opinion of the County Commission, the
9 municipal council or other governmental entity or agency
10 conducting such meeting, and then only on condition that any
11 person so requesting is mailed adequate notice of the new date
12 of any postponed meeting. Failure by an individual to receive
13 such notice shall not constitute mandatory grounds for
14 cancelling the hearing or rendering invalid any determination
15 made at such hearing.

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

1 other limitations may be promulgated and amended from time to
2 time.

3 9. Notice of Actions and Reasons. Prompt notice shall
4 be given of the denial in whole or in part of a request of an
5 interested person made in connection with any County or
6 municipal administrative decision or proceeding when the
7 decision is reserved at the conclusion of the hearing. The
8 notice shall be accompanied by a statement of the grounds for
9 denial.

10 10. County Comptroller's ~~Managers~~ and Attorneys'
11 Reports. The County Comptroller ~~Manager~~ and County Attorney
12 and each City Manager and City Attorney shall periodically
13 make a public status report on all major matters pending or
14 concluded within their respective jurisdictions.

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

1 12. Quarterly Budget Comparisons. The Commission
2 Budget Office ~~County Manager~~ shall make public a quarterly
3 report showing the actual expenditures during the quarter just
4 ended against one quarter of the proposed annual expenditures
5 set forth in the budget. Such report shall also reflect the
6 same cumulative information for whatever portion of the fiscal
7 year that has elapsed.

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

17 14. Regional Offices. Regional offices of the
18 County's administrative services shall be maintained at
19 locations in the County for the convenience of the residents.

20 15. Financial Disclosure. The Commission shall by
21 ordinance make provision for the filing under oath or
22 affirmation by all County and municipal elective officials,
23 candidates for County and municipal elective offices, such
24 employees as may be designated by ordinance, and such other
25 public officials, and outside consultants who receive funds
26 from the County or municipalities, within the County and who
27 may legally be included, of personal financial statements,
28 copies of personal Federal income tax returns, or itemized
29 source of income statements. Provision shall be made for
30 preparing and keeping such reports current from time to time,
31 and for public disclosure. The Commission shall also make

1 provision for the filing annually under oath of a report by
2 full-time County and municipal employees of all outside
3 employment and amounts received therefrom. The County Mayor
4 ~~Manager~~ or any other municipal chief executive officer ~~City~~
5 ~~Manager~~ may require monthly reports from individual employees
6 or groups of employees for good cause.

7 16. Representation of Public. The Commission shall
8 endeavor to provide representation at all proceedings
9 significantly affecting the County and its residents before
10 State and Federal regulatory bodies.

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

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

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

4 4. Provide central records, training, and
5 communications for fire and police protection; provide traffic
6 control and central crime investigation; provide fire
7 stations, jails, and related facilities; and subject to
8 Section 1.01A(18) provide a uniform system for fire and police
9 protection.

10 5. Prepare and enforce comprehensive plans for the
11 development of the county.

12 6. Provide hospitals and uniform health and welfare
13 programs.

14 7. Provide parks, preserves, playgrounds, recreation
15 areas, libraries, museums, and other recreational and cultural
16 facilities and programs.

17 8. Establish and administer housing, slum clearance,
18 urban renewal, conservation, flood and beach erosion control,
19 air pollution control, and drainage programs and cooperate
20 with governmental agencies and private enterprises in the
21 development and operation of these programs.

22 9. Provide and regulate or permit municipalities to
23 provide and regulate waste and sewage collection and disposal
24 and water supply and conservation programs.

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

29 11. By ordinance, establish, merge, and abolish
30 special purpose districts within which may be provided police
31 and fire protection, beach erosion control, recreation

1 facilities, water, streets, sidewalks, street lighting, waste
2 and sewage collection and disposal, drainage, and other
3 essential facilities and services. All county funds for such
4 districts shall be provided by service charges, special
5 assessments, or general tax levies within such districts only.
6 The Board of County Commissioners shall be the governing body
7 of all such districts and when acting as such governing body
8 shall have the same jurisdiction and powers as when acting as
9 the Board; provided, however, the Board of County
10 Commissioners shall not be the governing body of the
11 Metro-Dade Fire and Rescue Service District established by
12 Ordinance No. 80-86, but said Fire and Rescue Service District
13 shall be governed by five members elected for initial terms of
14 two years by the registered voters of the Metro-Dade Fire and
15 Rescue Service District; provided further, however, that the
16 governing board of the juvenile welfare special district shall
17 not be the Board of County Commissioners, but shall consist of
18 the superintendent of schools, a local school board member,
19 the district administrator of the Department of Health and
20 Rehabilitative Services, a member of the Board of County
21 Commissioners and five members appointed by the Governor.

22 12. Establish, coordinate, and enforce zoning and such
23 business regulations as are necessary for the protection of
24 the public.

25 13. Adopt and enforce uniform building and related
26 technical codes and regulations for both the incorporated and
27 unincorporated areas of the county; provide for examinations
28 for contractors and all parties engaged in the building trades
29 and for the issuance of certificates of competency and their
30 revocation after hearing. Such certificates shall be
31 recognized and required for the issuance of a license in all

1 municipalities in the county. No municipality shall be
2 entitled to require examinations or any additional certificate
3 of competency or impose any other conditions for the issuance
4 of a municipal license except the payment of the customary
5 fee. The municipality may issue building permits and conduct
6 the necessary inspections in accordance with the uniform codes
7 and charge fees therefor.

8 14. Regulate, control, take over, and grant franchises
9 to, or itself operate gas, light, power, telephone, and other
10 utilities, sanitary and sewage collection and disposal
11 systems, water supply, treatment, and service systems, and
12 public transportation systems, provided, however, that:

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

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

28 15. Use public funds for the purposes of promoting the
29 development of the county, including advertising of the area's
30 advantages.

31

1 16. Establish and enforce regulations for the sale of
2 alcoholic beverages in the unincorporated areas and approve
3 municipal regulations on hours of sale of alcoholic beverages.

4 17. Enter into contracts with other governmental units
5 within or outside the boundaries of the county for joint
6 performance or performance by one unit in behalf of the other
7 of any authorized function.

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

17 (a) In an election called by the Board of County
18 Commissioners within the municipality a majority of those
19 voting vote in favor of turning the service over to the
20 county; or

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

24 19. By ordinance, abolish or consolidate the office of
25 constables, or any county office created by the Legislature,
26 or provide for the consolidation and transfer of any of the
27 functions of such officers, provided, however, that there
28 shall be no power to abolish the Superintendent of Public
29 Instruction, or to abolish or impair the jurisdiction of the
30 Circuit Court or to abolish any other Court, provided by the
31

1 Constitution or by general law, or the judges or clerks
2 thereof.

3 20. Make investigations of county affairs, inquire
4 into the conduct, accounts, records, and transactions of any
5 department or office of the county, and for these purposes
6 require reports from all county officers and employees,
7 subpoena witnesses, administer oaths, and require the
8 production of records.

9 21. Exercise all powers and privileges granted to
10 municipalities, counties, and county officers by the
11 Constitution and laws of the state, and all powers not
12 prohibited by the Constitution or by this Charter.

13 22. Adopt such ordinances and resolutions as may be
14 required in the exercise of its powers, and prescribe fines
15 and penalties for the violation of ordinances.

16 23. Perform any other acts consistent with law which
17 are required by this Charter or which are in the common
18 interest of the people of the county.

19 24. Supersede, nullify, or amend any special law
20 applying to this county, or any general law applying only to
21 this county, or any general law where specifically authorized
22 by the Constitution.

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

26 26. Consider and approve by majority vote persons
27 nominated by the County Mayor for the positions of Deputy
28 County Mayor and Chief of Police.

29 B. No enumeration of powers in this Charter shall be
30 deemed exclusive or restrictive and the foregoing powers shall
31 be deemed to include all implied powers necessary and proper

1 to carrying out such powers. All of these powers may be
2 exercised in the incorporated and unincorporated areas,
3 subject to the procedures herein provided in certain cases
4 relating to municipalities.

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

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

20 SECTION 1.02. RESOLUTIONS AND ORDINANCES.

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

29 B. Every ordinance shall be introduced in writing and
30 shall contain a brief title. The enacting clause shall be "Be
31 it Ordained by the Board." After passage on first reading, a

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

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

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

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

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

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

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

11 SECTION 1.03. DISTRICTS.

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

16 ~~Note: There are thirteen County Commission districts.~~
17 ~~Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir.~~
18 ~~1990), opinion after remand, 985 F.2d 1471 (11th Cir.1993).~~

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

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

27 SECTION 1.04. COMPOSITION OF THE COMMISSION.

28 The Commission shall consist of thirteen ~~nine~~ members
29 elected as follows:

30 The qualified electors residing within each of the 13
31 districts shall elect ~~From each of the eight districts there~~

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

9 Note: ~~The Commission consists of thirteen members~~
10 ~~elected from districts. Meek v.~~

11 ~~Metropolitan Dade County, 908 F.2d 1540 (11th Cir.~~
12 ~~1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993).~~

13 SECTION 1.05. FORFEITURE OF OFFICE.

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

22 SECTION 1.06. SALARY.

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

30 SECTION 1.07. VACANCIES.

31

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

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

1 Chairperson of the County Commission and a special election
2 shall be held for that Commission seat on the same date as the
3 special election for County Mayor. If the Acting County Mayor
4 chooses not to run for County Mayor, he or she shall return to
5 the position of Chairperson once a new County Mayor has been
6 elected.

7 SECTION 1.08. ORGANIZATION OF THE COMMISSION.

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

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

18 (2) Sign ordinances, resolutions, and other
19 legislative documents for the Commission.

20 (3) Schedule Commission meetings.

21 (4) Preside over the committee charged with reviewing
22 nominations submitted by the County Mayor for the positions of
23 Deputy County Mayor and Chief of Police.

24 (5) Establish, with the approval of the Commission,
25 standing committees and rules of procedure to govern Board
26 meetings.

27 (6) Appoint the members of all standing committees and
28 the chairperson of each standing committee.

29
30 ~~Such powers are not subject to veto by the County Mayor. The~~
31 ~~Mayor shall be the presiding officer of the Commission with~~

1 budget or any particular component contained therein which was
2 approved by the County Commission; provided, however, that if
3 any revenue item is vetoed, an expenditure item in the same or
4 greater dollar amount must also be vetoed. The County
5 Commission may at its next regularly scheduled meeting after
6 the veto occurs, override that veto by a two-thirds vote of
7 the Commissioners present.

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

28 C. All Deputy County Mayors shall serve at the
29 pleasure of the County Mayor. ~~The Mayor shall appoint the~~
30 ~~members of all standing committees and the chairperson and~~
31 ~~vice-chairperson of each committee. There shall be as many~~

1 ~~standing and special committees as deemed necessary by the~~
2 ~~Mayor.~~

3 D. The County Mayor shall prepare and submit an annual
4 legislative budget request to the County Commission ~~deliver a~~
5 ~~report on the state of the county to the people of the county~~
6 ~~between November 1 and January 31 annually. Such report shall~~
7 ~~be prepared after consultation with the Commissioners and the~~
8 ~~Manager.~~

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

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

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

- 24 (1) Chief Administrative Officer.
25 (2) Budget Director.
26 (3) Chief Information Officer.
27 (4) Press Secretary.
28 (5) Intergovernmental Affairs Director.
29 (6) Incorporation/Annexation Advisor.
30 (7) General Counsel.

31

1 C. Except as otherwise provided in this Charter, the
2 terms of office of the County Mayor and the ~~other~~ County
3 Commissioners shall commence on the second Tuesday next
4 succeeding the date provided for the state second primary
5 elections.

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

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

15 There shall be a County Supervisor of Elections who
16 shall be elected by the electors of the county in a
17 nonpartisan election. The election and powers, duties, and
18 responsibilities of the County Supervisor of Elections shall
19 be as provided by general law.

20 SECTION 3.03 ~~2.03~~. NONPARTISAN ELECTIONS.

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

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

28 All candidates for the office of County Mayor or County
29 Commissioner shall qualify with the Clerk of the Circuit Court
30 no earlier than the 63rd day and no later than noon on the
31 49th day prior to the date of the election at which he is a

1 candidate in the method provided by law or ordinance, and
2 shall pay a filing fee of \$300. All filing fees shall be paid
3 into the general funds of the county.

4 SECTION 3.05 ~~2-05~~. DISQUALIFICATIONS ~~RESERVED~~.

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

9 B. No person may appear for reelection as County Mayor
10 if, by the end of the current term of office, that person
11 shall have served, or but for resignation would have served,
12 for 8 consecutive years in that office including terms served
13 in the office of Mayor prior to the effective date of this
14 charter revision.

15 C. No person may appear for reelection as County
16 Commissioner if, by the end of the current term of office,
17 that person shall have served, or but for resignation would
18 have served, in that office for 12 consecutive years.

19 SECTION 3.06 ~~2-06~~. ADDITIONAL REGULATIONS AND STATE
20 LAWS.

21 A. The Board may adopt by ordinance any additional
22 regulations governing elections not inconsistent with this
23 Charter.

24 B. Except as otherwise provided by this Charter or by
25 ordinance adopted hereunder the provisions of the election
26 laws of this state shall apply to elections held under this
27 Charter.

28 SECTION 3.07 ~~2-07~~. CANVASSING ELECTIONS.

29 All elections under this Charter shall be canvassed by
30 the County Canvassing Board as provided under the election
31 laws of this state.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

ARTICLE - 4 ~~3~~

THE COUNTY COMPTROLLER ~~MANAGER~~

SECTION 4.01 ~~3.01~~. FUNCTIONS.

The Office of County Comptroller shall provide independent oversight of all contracts, bonding, and other forms of financial obligations undertaken by the County. Functions presently in the office of the Inspector General and various audit units are vested in this office. The office shall provide for independent oversight of contract compliance. Such oversight shall provide a check on the effectiveness of the policy imperatives and administrative actions of the County Mayor and the County Commission. The County Commission shall fix the County Comptroller's compensation.~~Commencing with the election of Mayor in 1996, the Manager shall be the head of the administrative branch of the county government. The Commission shall fix the Manager's compensation, and the Manager shall serve as provided in Section 1.10.~~

SECTION 4.02 ~~3.02~~. QUALIFICATIONS.

A. The candidate for the position of County Comptroller shall be chosen on the basis of his or her academic and administrative qualifications. At the time of the County Comptroller's appointment, the County Comptroller need not be a resident of this state. No individual serving as the County Mayor or any individual serving as a County Commissioner shall be eligible for the position of County Comptroller during or within 2 years after the expiration of their respective terms.

1 B. The County Commission shall create a County
2 Comptroller Nominating Committee to interview candidates for
3 the position of County Comptroller and to make nominations for
4 County Comptroller to the full County Commission. Each member
5 of the County Commission and the County Mayor shall appoint a
6 county resident to serve on the committee. Elected county
7 officials, employees of the county, and registered lobbyists
8 are disqualified for appointment to the County Comptroller
9 Nominating Committee. A vote of not less than 8 members of
10 the full County Commission shall be required to appoint the
11 County Comptroller. Appointment to the position of County
12 Comptroller shall be for a 6-year term. However, no
13 individual shall serve more than two consecutive terms in the
14 position of County Comptroller.

15 ~~Commencing with the election of Mayor in 1996, the~~
16 ~~Manager shall be chosen on the basis of the Manager's~~
17 ~~executive and administrative qualifications. At the time of~~
18 ~~the Manager's appointment the Manager need not be a resident~~
19 ~~of the state. Neither the Mayor nor any Commissioner shall be~~
20 ~~eligible for the position of Manager during or within two~~
21 ~~years after the expiration of their respective terms.~~

22 ~~SECTION 3.03. ABSENCE OF MANAGER.~~

23 ~~Commencing with the election of Mayor in 1996, the~~
24 ~~Mayor, subject to the approval of the Commission, may~~
25 ~~designate a qualified administrative officer of the county to~~
26 ~~assume the duties and authority of the Manager during periods~~
27 ~~of temporary absence or disability of the Manager.~~

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

29 A. The County Comptroller shall establish the Office
30 of the Auditor General and shall do all things necessary to
31 ensure contract and financial compliance with procurement

1 decisions made by the county and third parties in privity by
2 the County. The County Comptroller shall have staff and
3 offices necessary for the execution of these responsibilities.
4 ~~Commencing with the election of Mayor in 1996, the Manager~~
5 ~~shall be responsible for the administration of all units of~~
6 ~~the county government under the Manager's jurisdiction, and~~
7 ~~for carrying out policies adopted by the Commission. The~~
8 ~~Manager, or such other persons as may be designated by~~
9 ~~resolution of the Commission, shall execute contracts and~~
10 ~~other instruments, sign bonds and other evidences of~~
11 ~~indebtedness, and accept process.~~

12 B. The Office of the Inspector General shall be the
13 principal investigative arm within the Comptroller's Office.
14 The Office of Inspector General shall investigate alleged
15 violations of policy, procedures, and laws by officials,
16 employees, or third parties in privity with the County.~~Unless~~
17 ~~otherwise provided for by civil service rules and regulations,~~
18 ~~the Manager shall have the power to appoint and suspend all~~
19 ~~administrative department heads of the major departments of~~
20 ~~the county, to-wit: Tax Collector, Tax Assessor, Department of~~
21 ~~Public Works, Department of Public Safety, Building and Zoning~~
22 ~~Department, Planning Department, Finance Department, Park and~~
23 ~~Recreation Department and Internal Auditing Department, except~~
24 ~~that before any appointment shall become effective, the said~~
25 ~~appointment must be approved by the County Commission and if~~
26 ~~the same is disapproved the said appointment shall be void. In~~
27 ~~the event such appointment shall be disapproved by the County~~
28 ~~Commission the appointment shall forthwith become null and~~
29 ~~void and thereupon the County Manager shall make a new~~
30 ~~appointment or appointments, each of which shall likewise be~~
31 ~~submitted for approval by the County Commission. However, the~~

1 ~~right to suspend, remove or discharge any department head with~~
2 ~~or without cause, is reserved at all times to the County~~
3 ~~Manager.~~

4 C. The County Comptroller shall be the County's
5 liaison to the Commission on Ethics and Public Trust and shall
6 be responsible for funding the operations and administration
7 of the Commission on Ethics and Public Trust.

8 D. The County Comptroller shall submit a legislative
9 budget request delineating the resources needed to carry out
10 the functions mandated by the Charter.

11 SECTION 4.04 ~~3.05~~. RESTRICTION REGARDING OFFICE OF
12 COMPTROLLER ON COMMISSION MEMBERS.

13 Neither the County Mayor nor any County Commissioner
14 shall direct or request the appointment of any person to, or
15 his or her removal from, office by the County Comptroller or
16 any of the County Comptroller's subordinates. Any willful
17 violation of the provisions of this Section by the County
18 Mayor or any County Commissioner shall be grounds for his or
19 her removal from office by an action brought in the Circuit
20 Court by the State Attorney of this County. Nothing in this
21 section shall prohibit the County Mayor or a County
22 Commissioner from requesting an inquiry into the activities of
23 the Office of County Comptroller or into the activities of any
24 individual within the Office of County Comptroller.~~Neither~~
25 ~~the Mayor nor any Commissioner shall direct or request the~~
26 ~~appointment of any person to, or his or her removal from,~~
27 ~~office by the Manager or any of the Manager's subordinates, or~~
28 ~~take part in the appointment or removal of officers and~~
29 ~~employees in the administrative services of the county. Except~~
30 ~~for the purpose of inquiry, as provided in Section 1.01A(20),~~
31 ~~the Mayor and Commissioners shall deal with the administrative~~

1 ~~service solely through the Manager and neither the Mayor nor~~
2 ~~any Commissioner shall give orders to any subordinates of the~~
3 ~~Manager, either publicly or privately. Any willful violation~~
4 ~~of the provisions of this Section by the Mayor or any~~
5 ~~Commissioner shall be grounds for his or her removal from~~
6 ~~office by an action brought in the Circuit Court by the State~~
7 ~~Attorney of this county.~~

8 SECTION 4.05 REMOVAL.

9 The Board of County Commissioners shall have the power
10 to remove the County Comptroller for cause subject to the
11 County Commission's conducting a public hearing on the matter.
12 An affirmative vote of not less than eight of those County
13 Commissioners then in office shall be required to remove the
14 County Comptroller.

15
16 ARTICLE - 5 4
17

18 ADMINISTRATIVE ORGANIZATION AND PROCEDURE

19 SECTION 5.01 ~~4.01~~. OFFICES OF THE DEPUTY COUNTY MAYORS
20 DEPARTMENTS. The County Administration shall be organized into
21 five service offices each headed by a Deputy County Mayor.
22 The County Mayor shall nominate a Deputy County Mayor for each
23 of the service offices of Public Safety, Planning and
24 Infrastructure, Transportation and Economic Development, Human
25 Services, and Governmental Operations. A majority vote of the
26 County Commission shall be required for confirmation of any
27 nominee for a Deputy County Mayor. Each Deputy County Mayor
28 shall have responsibility for a cluster of related
29 departments. Initially, the departments within the five
30 service offices shall be delineated as follows:
31

- 1 A. Within the Office of the Deputy County Mayor for
2 Public Safety, the departments of:
3 (1) Corrections and Rehabilitation.
4 (2) Emergency Management.
5 (3) Miami-Dade Fire Rescue.
6 (4) Medical Examiner.
7 (5) Miami-Dade Police.
8 (6) Youth Crime Task Force.
9 (7) Animal Control.
10 B. Within the Office of Deputy County Mayor for
11 Planning and Infrastructure:
12 (1) Department of Environmental Resources Management.
13 (2) Office of Water Management.
14 (3) Planning and Zoning.
15 (4) Public Works.
16 (5) Solid Waste.
17 (6) Water and Sewer.
18 (7) Building.
19 (8) Capital Improvement Coordination.
20 (9) Code Compliance.
21 (10) Parks & Recreation.
22 C. Within the Office of the Deputy County Mayor for
23 Transportation and Economic Development:
24 (1) Beacon Council.
25 (2) Chambers of Commerce.
26 (3) Community & Economic Development.
27 (4) Consumer Services.
28 (5) Empowerment Zone.
29 (6) Greater Miami Convention & Visitors Bureau.
30 (7) Metro-Miami Action Plan.
31 (8) Urban Revitalization Task Force.

- 1 (9) Aviation.
2 (10) Seaport.
3 (11) Transit.
4 (12) Miami-Dade Expressway Authority.
5 (13) Metropolitan Planning Organization.
6 (14) Business Development.
7 (15) Tourist Development Council.
8 D. Within the Office of the Deputy County Mayor for
9 Human Services:
10 (1) Community Action Agencies.
11 (2) Housing.
12 (3) Community Relations Bureau.
13 (4) Homeless Trust.
14 (5) Housing Finance Authority.
15 (6) Human Services.
16 (7) Public Health Trust.
17 (8) Training and Education.
18 E. Within the Office of the Deputy County Mayor for
19 Governmental Operations:
20 (1) Tax Collector.
21 (2) Property Appraiser.
22 (3) Team Metro.
23 (4) Art in Public Places.
24 (5) Cultural Affairs.
25 (6) Libraries.
26 (7) Museums.
27 (8) Performing Arts.
28 ~~There shall be departments of finance, personnel,~~
29 ~~planning, law, and such other departments as may be~~
30 ~~established by administrative order of the Manager. All~~
31 ~~functions not otherwise specifically assigned to others by~~

1 ~~this Charter shall be performed under the supervision of the~~
2 ~~Manager.~~

3 SECTION 5.02 ~~4.02~~. ADMINISTRATIVE PROCEDURE.

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

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

15 A. The Executive Office of the County Mayor shall be
16 responsible for the department of finance ~~shall be headed by a~~
17 ~~finance director appointed by the Manager. The finance~~
18 ~~director shall have charge of the financial~~ administration
19 ~~affairs~~ of the county.

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

26 ~~B.C.~~ No money shall be drawn from the county treasury
27 nor shall any obligation for the expenditure of money be
28 incurred except pursuant to appropriation and except that the
29 Board may establish working capital, revolving, pension, or
30 trust funds and may provide that expenditures from such funds
31 can be made without specific appropriation. The Board, by

1 ordinance, may transfer any unencumbered appropriation
2 balance, or any portion thereof, from one department, fund, or
3 agency to another, subject to the provisions of ordinance. Any
4 portion of the earnings or balance of the several funds, other
5 than sinking funds for obligations not yet retired, may be
6 transferred to the general funds of the county by the Board.

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

23 D.E. Any county official or employee of the county
24 who has a personal ~~special~~ financial interest, direct or
25 indirect, in any action by the Board shall make known that
26 interest and shall refrain from voting upon or otherwise
27 participating in such transaction. Willful violation of this
28 Section shall constitute malfeasance in office, shall effect
29 forfeiture of office or position, and render the transaction
30 voidable by the Board.

31

1 ~~E.F.~~ Such officers and employees of the county as the
2 Board may designate shall give bond in the amount and with the
3 surety prescribed by the Board. The bond premiums shall be
4 paid by the county.

5 ~~F.G.~~ At the end of each fiscal year, the County
6 Comptroller Board shall provide for an audit by an independent
7 certified public accountant designated by the County
8 Comptroller Board of the accounts and finances of the county
9 for the fiscal year just completed.

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

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

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

30 B. All county and municipal taxes for the tax year
31 beginning January 1, 1961, and all subsequent tax years, shall

1 be collected by the county on one bill prepared and sent out
2 by the county. The amounts of county and municipal taxes shall
3 be shown as separate items, and may be paid separately.

4 C. Delinquent municipal taxes shall be collected in
5 the same manner as delinquent county taxes.

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

8 SECTION 5.05 ~~4.05~~. CIVIL SERVICE DEPARTMENT OF
9 PERSONNEL.

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

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

23 B.C. Except as provided herein, Chapter 30255,
24 General Laws, 1955, as it exists on the effective date of this
25 Charter, shall remain in effect until amended or changed by
26 ordinance of the Board of County Commissioners adopted by
27 two-thirds vote of the members present after recommendation
28 from either the Personnel Advisory Board or the County Mayor
29 Manager.

30 ~~C.D.~~ Employees of municipalities who, by merger,
31 transfer, or assignment of governmental units or functions

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

19 D.F. The pension plan presently provided by the state
20 for county employees shall not be impaired by the Board.
21 Employees of municipalities, who by merger, transfer, or
22 assignment of governmental units or functions become county
23 employees shall not lose their pension rights, or any reserves
24 accrued to their benefit during their period of employment
25 with such municipality. The Board of County Commissioners
26 shall provide a method by which these employees' rights and
27 reserves shall be protected, and these employees shall
28 continue until retirement, dismissal, or death in a pension
29 status no less beneficial than the status held by them at the
30 time of merger or assignment.

31

1 E F. The Board of County Commissioners shall provide
2 and place into effect a practical group insurance plan for all
3 county employees.

4 SECTION 5.06 ~~4.06~~. OFFICE OF COUNTY ATTORNEY
5 ~~DEPARTMENT OF LAW.~~

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

18 SECTION 5.07 ~~4.07~~. DEMOGRAPHIC, POLICY, AND DEPARTMENT
19 ~~OF PLANNING.~~

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

28 1. Conduct studies of county population, land use,
29 facilities, resources, and needs and other factors which
30 influence the county's development, and on the basis of such
31 studies prepare such official and other maps and reports as,

1 taken together, constitute a master plan for the welfare,
2 recreational, economic, and physical development of the
3 county.

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

12 3. Review the municipal systems of planning, zoning,
13 subdivision, and related regulations and make recommendations
14 thereon with a view of coordinating such municipal systems
15 with one another and with those of the county.

16 SECTION 5.08 ~~4.08~~. BOARDS.

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

26 B. The Board of County Commissioners may by ordinance
27 provide for the ~~expansion of the City of Miami~~ Water and Sewer
28 Board to act as an agency county-wide in scope and authority,
29 with the power to acquire, construct and operate water and
30 sewer systems within the incorporated and the unincorporated
31 areas of Dade County, which agency shall be known as the

1 Miami-Dade Water and Sewer Authority. The Miami-Dade Water and
2 Sewer Authority shall have the responsibility to develop and
3 operate a county-wide water and sewer system for the purpose
4 of providing potable water, sewage collection and disposal and
5 water pollution abatement to the citizens of Dade County.

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

11
12 ARTICLE - 6 5
13

14 MUNICIPALITIES

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

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

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

24 Each municipality shall have the authority to exercise
25 all powers relating to its local affairs not inconsistent with
26 this Charter. Each municipality may provide for higher
27 standards of zoning, service, and regulation than those
28 provided by the Board of County Commissioners in order that
29 its individual character and standards may be preserved for
30 its citizens.

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

1 A. Except as provided in Section 6.04 ~~5.04~~, any
2 municipality in the county may adopt, amend, or revoke a
3 charter for its own government or abolish its existence in the
4 following manner. Its governing body shall, within 120 days
5 after adopting a resolution or after the certification of a
6 petition of ten percent of the qualified electors of the
7 municipality, draft or have drafted by a method determined by
8 municipal ordinance a proposed charter amendment, revocation,
9 or abolition which shall be submitted to the electors of the
10 municipalities. Unless an election occurs not less than 60 nor
11 more than 120 days after the draft is submitted, the proposal
12 shall be submitted at a special election within that time. The
13 governing body shall make copies of the proposal available to
14 the electors not less than 30 days before the election.
15 Alternative proposals may be submitted. Each proposal approved
16 by a majority of the electors voting on such proposal shall
17 become effective at the time fixed in the proposal.

18 B. All municipal charters, amendments thereto, and
19 repeals thereof shall be filed with the Clerk of the Circuit
20 Court.

21 SECTION 6.04 ~~5.04~~. CHANGES IN MUNICIPAL BOUNDARIES.

22 A. The Office of Deputy County Mayor of Planning and
23 Infrastructure ~~director~~ shall study municipal boundaries with
24 a view to recommending their orderly adjustment, improvement,
25 and establishment. Proposed boundary changes may be initiated
26 by the Planning Advisory Board, the Board of County
27 Commissioners, the governing body of a municipality, or by a
28 petition of any person or group concerned.

29 B. The Board of County Commissioners, after obtaining
30 the approval of the municipal governing bodies concerned,
31 after hearing the recommendations of the Planning Advisory

1 Board, and after a public hearing, may by ordinance effect
2 boundary changes, unless the change involves the annexation or
3 separation of an area of which more than 250 residents are
4 electors, in which case an affirmative vote of a majority of
5 those electors voting shall also be required. Upon any such
6 boundary change any conflicting boundaries set forth in the
7 charter of such municipality shall be considered amended.

8 C. No municipal boundary shall be altered except as
9 provided by this Section.

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

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

1 SECTION 6.06 ~~5.06~~. CONTRACTS WITH OTHER UNITS OF
2 GOVERNMENT.

3 Every municipality in this county shall have the power
4 to enter into contracts with other governmental units within
5 or outside the boundaries of the municipality or the county
6 for the joint performance or performance by one unit in behalf
7 of the other of any municipal function.

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

9 Revenues realized from franchise and utility taxes
10 imposed by municipalities shall belong to municipalities.

11
12 ARTICLE - 7 ~~6~~
13

14 PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

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

18 SECTION 7.01 ~~6.01~~. POLICY.

19 Parks, aquatic preserves, and lands acquired by the
20 County for preservation shall be held in trust for the
21 education, pleasure, and recreation of the public and they
22 shall be used and maintained in a manner which will leave them
23 unimpaired for the enjoyment of future generations as a part
24 of the public's irreplaceable heritage. They shall be
25 protected from commercial development and exploitation and
26 their natural landscape, flora and fauna, and scenic beauties
27 shall be preserved. In lands acquired by the County for
28 preservation and in parks along the Ocean or the Bay the
29 public's access to and view of the water shall not be
30 obstructed or impaired by buildings or other structures or
31

1 concessions which are in excess of 1500 square feet each.
2 Adequate maintenance shall be provided.

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

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

1 use in any of this class of public parks or in aquatic
2 preserves and preservation lands must be approved by an
3 affirmative vote of two-thirds of the voters in a County-wide
4 referendum. No park shall be designed to be used beyond its
5 appropriate carrying capacity and to the extent required by
6 law all parks and facilities and permitted special events and
7 concessions operating in the parks shall be fully accessible
8 to persons with disabilities. Nothing in this Article shall
9 prevent the maintenance of existing facilities, the
10 maintenance, operation, and renovation of existing golf course
11 and marina restaurants at their existing square footage by
12 government agencies or private operators, provided such
13 private operators are chosen as a result of competitive
14 selection and their initial contract terms are limited to no
15 more than ten years, or the construction, operation,
16 maintenance, and repair by government agencies or private
17 operators of or issuance of temporary permits for:

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

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

27 C. User-participation non-spectator recreation and,
28 playground facilities, golf courses and golf-course related
29 facilities, and bandstands and bandshells containing less than
30 1,000 spectator seats and athletic facilities, sports fields
31 and arenas containing less than 3,000 spectator seats;

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

1 shall be issued for any structure in violation of this
2 Article. The restrictions applying to parks in this Article
3 shall not apply to the Dade County Youth Fair site, Metro Zoo,
4 Tamiami Stadium, Haulover Fishing Pier, the Dade County
5 Auditorium, the Museum of Science, the Gold Coast Railroad
6 Museum, Vizcaya Museum and Gardens, Trail Glade Range, the
7 Orange Bowl, the Commodore Ralph Munroe Marine Stadium, the
8 Seaquarium, Curtis Park track and stadium, Fairchild Tropical
9 Gardens, and mini and neighborhood parks except that no mini
10 or neighborhood park may be leased or disposed of unless a
11 majority of the residents residing in voting precincts any
12 part of which is within 1 mile of the park authorize such sale
13 or lease by majority vote in an election.

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

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

28 SECTION 7.04 ~~6.04~~. JURISDICTION.

29 Except as otherwise provided herein the provisions of
30 this Article shall apply to all County and municipal parks,
31 aquatic preserves, and lands acquired by the County for

1 preservation now in existence or hereafter acquired, ~~provided~~
2 ~~that if this Article was not favorably voted upon by a~~
3 ~~majority of the voters voting in any municipality at the time~~
4 ~~of the adoption of this Article the municipal parks of such~~
5 ~~municipality shall be excluded from the provisions of this~~
6 ~~Article.~~

7
8 ARTICLE - 8 ~~7~~

9
10 INITIATIVE, REFERENDUM, AND RECALL

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

12 The electors of the county shall have the power to
13 propose to the Board of County Commissioners passage or repeal
14 of ordinances and to vote on the question if the Board refuses
15 action, according to the following procedure:

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

20 2. The person or persons circulating the petition
21 shall, within 60 days of the approval of the form of the
22 petition, obtain the valid signatures of voters in the county
23 in numbers at least equal to four percent of the registered
24 voters in the county on the day on which the petition is
25 approved, according to the official records of the County
26 Supervisor of Elections. In determining the sufficiency of the
27 petition, no more than 25 percent of the valid signatures
28 required shall come from voters registered in any single
29 county commission district. Each signer of a petition shall
30 place thereon, after his name, the date, and his place of
31 residence or precinct number. ~~Each person circulating a copy~~

1 ~~of the petition shall attach to it a sworn affidavit stating~~
2 ~~the number of signers and the fact that each signature was~~
3 ~~made in the presence of the circulator of the petition.~~

4 3. The signed petition shall be filed with the Board
5 which shall within 30 days order a canvass of the signatures
6 thereon to determine the sufficiency of the signatures. If the
7 number of signatures is insufficient or the petition is
8 deficient as to form or compliance with this Section, the
9 Board shall notify the person filing the petition that the
10 petition is insufficient and has failed.

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

13 (a) Adopt the ordinance as submitted in an initiatory
14 petition or repeal the ordinance referred to by a referendary
15 petition, or

16 (b) Submit the proposal to the electors in impartial
17 and concise language and in such manner as provides a clear
18 understanding of the proposal.

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

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

22 (b) If the petition contains the valid signatures in
23 the county in numbers at least equal to eight percent of the
24 registered voters in the county, the election shall take place
25 within 120 days after the date the petition is presented to
26 the Board, preferably in an election already scheduled for
27 other purposes, otherwise in a special election. The result
28 shall be determined by a majority vote of the electors voting
29 on the proposal.

30
31

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

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

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

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

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

21 SECTION 8.02 ~~7.02~~. RECALL.

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

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

30 2. The person or persons circulating the petition must
31 obtain signatures of electors of the county, district, or

1 municipality concerned in numbers at least equal to four
2 percent of the registered voters in the county district or
3 municipality on the day on which the petition is approved,
4 according to the official records of the County Supervisor of
5 Elections.

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

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

11 5. The question of recall shall be placed on the
12 ballot in a manner that will give the elector a clear choice
13 for or against the recall. The result shall be determined by a
14 majority vote of the electors voting on the question.

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

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

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

28
29 ARTICLE - 9 8

30
31 GENERAL PROVISIONS

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

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

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

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

28 C.D. On said date ~~November 9, 1966~~, the Office of
29 Director of Public Safety ~~Sheriff~~ is hereby abolished and the
30 powers and functions of such office are hereby transferred to
31 the County Mayor Manager, who shall provide for the

1 continuation of all the duties and functions of this office
2 required under the Constitution and general laws of this
3 state. The County Mayor ~~Manager~~ may delegate to a suitable
4 person or persons the powers and functions of such officer.
5 ~~Section 1.01A(19)(a) of this Charter is amended by deleting~~
6 ~~the word "Sheriff" and subsections (b) and (c) are repealed.~~

7 D. On said date, the Office of County Manager is
8 abolished and the powers and functions of such office are
9 hereby transferred to the County Mayor, except the duties and
10 functions of the Office of the County Comptroller listed under
11 Article 4.

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

19 SECTION 9.02 ~~8.02~~. RESERVED.

20 SECTION 9.03 ~~8.03~~. TORT LIABILITY.

21 ~~The county shall be liable in actions of tort to the~~
22 ~~same extent that municipalities in the State of Florida are~~
23 ~~liable in actions in tort. However, No suit shall be~~
24 maintained against the county for damages to persons or
25 property or for wrongful death arising out of any tort unless
26 written notice of claim shall first have been given to the
27 county in the manner and within the time provided by
28 ordinance, except that the time fixed by ordinance for notice
29 shall be not less than 30 days nor more than 120 days.

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

1 SECTION 9.04 ~~8-04~~. SUPREMACY CLAUSE.

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

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

12 SECTION 9.05 ~~8-05~~. EXISTING FRANCHISES, CONTRACTS, AND
13 LICENSES.

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

18 SECTION 9.06 ~~8-06~~. EFFECT OF THE CHARTER.

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

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

30 SECTION 9.07 ~~8-07~~. AMENDMENTS.

31

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

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

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

21 D. The result of all elections on charter amendments
22 shall be determined by a majority of the electors voting on
23 the proposed amendment.

24 SECTION 9.08 ~~8.08~~. REVISIONS.

25 At least once in every 5 year period the Board shall
26 review the Charter and determine whether or not there is a
27 need for revision. If the Board determines that a revision is
28 needed, it shall establish a procedure for the preparation of
29 a proposed revision of the Charter. The proposed revision
30 shall then be presented to the Board for review, modification
31 and approval. If the Board approves such proposed revision,

1 either with or without modification, it shall present such
2 proposed revision to the electorate in accordance with the
3 provisions of Section 9.07 ~~8-07~~ (C) and (D). Simultaneous
4 elections may be held on a proposed revision and on individual
5 amendments that are proposed.

6 SECTION 9.09 ~~8-09~~. EFFECTIVE DATE.

7 This Charter shall become effective 60 days after it is
8 ratified by a majority of the qualified electors of the county
9 voting on the Charter.

10

11 ARTICLE - 10 ~~9~~

12

13 NAME OF COUNTY

14 SECTION 10.01 ~~9-01~~. NAME OF COUNTY.

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

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

22

23 ARTICLE - 11

24

25 SEVERABILITY

26 If any provision of this charter or the application
27 thereof to any person or circumstance is held invalid, the
28 invalidity shall not affect other provisions or applications
29 of the charter which can be given effect without the invalid
30 provision or application, and to this end the provisions of
31 this charter are declared severable.

1 Section 2. If any provision of this act or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity shall not affect other provisions or
4 applications of the act which can be given effect without the
5 invalid provision or application, and to this end the
6 provisions of this act are declared severable.

7 Section 3. Contingent upon approval of an amendment to
8 the State Constitution at the general election held in
9 November 2002 authorizing amendments or revisions to the home
10 rule charter of Miami-Dade County, this act shall be the
11 subject of a referendum submitted to the voters of Miami-Dade
12 County at the general election to be held in November 2003 and
13 shall take effect only upon approval by a majority of the
14 electors of Miami-Dade County voting in such referendum;
15 except that this section shall take effect upon becoming law.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31