

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 referendum to be called by the Board of County  
23 Commissioners of Miami-Dade County; specifying  
24 the form of the ballot question on the  
25 referendum; providing for effect upon  
26 referendum approval; providing an effective  
27 date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
30  
31

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

3  
4                   MIAMI-DADE ~~DADE~~ COUNTY HOME RULE CHARTER

5  
6                                   PREAMBLE

7  
8           We, the people of this County, in order to secure for  
9 ourselves the benefits and responsibilities of home rule, to  
10 create a metropolitan government to serve our present and  
11 future needs, and to endow our municipalities with the rights  
12 of self determination in their local affairs, do under God  
13 adopt this home rule Charter.

14  
15                                   CITIZENS' BILL OF RIGHTS

16  
17           A. This government has been created to protect the  
18 governed, not the governing. In order to provide the public  
19 with full and accurate information, to promote efficient  
20 administrative management, to make government more  
21 accountable, and to insure to all persons fair and equitable  
22 treatment, the following rights are guaranteed:

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

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

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

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

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

30          6. Right to Notice. Persons entitled to notice of a  
31 County or municipal hearing shall be timely informed as to the

1 time, place and nature of the hearing and the legal authority  
2 pursuant to which the hearing is to be held. Failure by an  
3 individual to receive such notice shall not constitute  
4 mandatory grounds for cancelling the hearing or rendering  
5 invalid any determination made at such hearing. Copies of  
6 proposed ordinances or resolutions shall be made available at  
7 a reasonable time prior to the hearing, unless the matter  
8 involves an emergency ordinance or resolution.

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

20           8. Right to Public Hearing. Upon a timely request of  
21 any interested party a public hearing shall be held by any  
22 County or municipal agency, board, department or authority  
23 upon any significant policy decision to be issued by it which  
24 is not subject to subsequent administrative or legislative  
25 review and hearing. This provision shall not apply to the Law  
26 Department of the County or of any municipality, not to any  
27 body whose duties and responsibilities are solely advisory. At  
28 any zoning or other hearing in which review is exclusively by  
29 certiorari, a party or his counsel shall be entitled to  
30 present his case or defense by oral or documentary evidence,  
31 to submit rebuttal evidence, and to conduct such

1 cross-examination as may be required for a full and true  
2 disclosure of the facts. The decision of any such agency,  
3 board, department or authority must be based upon the facts in  
4 the record. Procedural rules establishing reasonable time and  
5 other limitations may be promulgated and amended from time to  
6 time.

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

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

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

1 program, the purposes therefore, the estimated millage cost of  
2 each program and the amount of any contingency and carryover  
3 funds for each program. As a final step, the County Commission  
4 shall adopt a County budget.

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

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

21 14. Regional Offices. Regional offices of the  
22 County's administrative services shall be maintained at  
23 locations in the County for the convenience of the residents.

24 15. Financial Disclosure. The Commission shall by  
25 ordinance make provision for the filing under oath or  
26 affirmation by all County and municipal elective officials,  
27 candidates for County and municipal elective offices, such  
28 employees as may be designated by ordinance, and such other  
29 public officials, and outside consultants who receive funds  
30 from the County or municipalities, within the County and who  
31 may legally be included, of personal financial statements,

1 copies of personal Federal income tax returns, or itemized  
2 source of income statements. Provision shall be made for  
3 preparing and keeping such reports current from time to time,  
4 and for public disclosure. The Commission shall also make  
5 provision for the filing annually under oath of a report by  
6 full-time County and municipal employees of all outside  
7 employment and amounts received therefrom. The County Mayor  
8 ~~Manager~~ or any other municipal chief executive officer ~~City~~  
9 ~~Manager~~ may require monthly reports from individual employees  
10 or groups of employees for good cause.

11           16. Representation of Public. The Commission shall  
12 endeavor to provide representation at all proceedings  
13 significantly affecting the County and its residents before  
14 State and Federal regulatory bodies.

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

25           B. The foregoing enumeration of citizens' rights vests  
26 large and pervasive powers in the citizenry of Miami-Dade ~~Dade~~  
27 County. Such power necessarily carries with it responsibility  
28 of equal magnitude for the successful operation of government  
29 in the County. The orderly, efficient and fair operation of  
30 government requires the intelligent participation of  
31 individual citizens exercising their rights with dignity and



1 restraint so as to avoid any sweeping acceleration in the cost  
2 of government because of the exercise of individual  
3 prerogatives, and for individual citizens to grant respect for  
4 the dignity of public office.

5 C. Remedies for Violations. In any suit by a citizen  
6 alleging a violation of this Article filed in the Dade County  
7 Circuit Court pursuant to its general equity jurisdiction, the  
8 plaintiff, if successful, shall be entitled to recover costs  
9 and reasonable attorney's fees, as fixed by the Court. Any  
10 public official or employee who is found by the Court to have  
11 willfully violated this Article shall forthwith forfeit his  
12 office or employment.

13 (D). Construction. All provisions of this Article  
14 shall be construed to be supplementary to and not in conflict  
15 with the general laws of Florida. If any part of this Article  
16 shall be declared invalid, it shall not affect the validity of  
17 the remaining provisions.

18  
19 ARTICLE - 1

20  
21 BOARD OF COUNTY COMMISSIONERS

22 SECTION 1.01. POWERS.

23 A. The Board of County Commissioners shall be the  
24 legislative and the governing body of the county and shall  
25 have the power to carry on a central metropolitan government.  
26 This power shall include but shall not be restricted to the  
27 power to:

28 1. Provide and regulate arterial, toll, and other  
29 roads, bridges, tunnels, and related facilities; eliminate  
30 grade crossings; provide and regulate parking facilities; and  
31

- 1 develop and enforce master plans for the control of traffic  
2 and parking.
- 3           2. Provide and operate air, water, rail, and bus  
4 terminals, port facilities, and public transportation systems.
- 5           3. License and regulate taxis, jitneys, limousines for  
6 hire, rental cars, and other passenger vehicles for hire  
7 operating in the county.
- 8           4. Provide central records, training, and  
9 communications for fire and police protection; provide traffic  
10 control and central crime investigation; provide fire  
11 stations, jails, and related facilities; and subject to  
12 Section 1.01A(18) provide a uniform system for fire and police  
13 protection.
- 14           5. Prepare and enforce comprehensive plans for the  
15 development of the county.
- 16           6. Provide hospitals and uniform health and welfare  
17 programs.
- 18           7. Provide parks, preserves, playgrounds, recreation  
19 areas, libraries, museums, and other recreational and cultural  
20 facilities and programs.
- 21           8. Establish and administer housing, slum clearance,  
22 urban renewal, conservation, flood and beach erosion control,  
23 air pollution control, and drainage programs and cooperate  
24 with governmental agencies and private enterprises in the  
25 development and operation of these programs.
- 26           9. Provide and regulate or permit municipalities to  
27 provide and regulate waste and sewage collection and disposal  
28 and water supply and conservation programs.
- 29           10. Levy and collect taxes and special assessments,  
30 borrow and expend money and issue bonds, revenue certificates,  
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1 and other obligations of indebtedness in such manner, and  
2 subject to such limitations, as may be provided by law.

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

27 12. Establish, coordinate, and enforce zoning and such  
28 business regulations as are necessary for the protection of  
29 the public.

30 13. Adopt and enforce uniform building and related  
31 technical codes and regulations for both the incorporated and

1 unincorporated areas of the county; provide for examinations  
2 for contractors and all parties engaged in the building trades  
3 and for the issuance of certificates of competency and their  
4 revocation after hearing. Such certificates shall be  
5 recognized and required for the issuance of a license in all  
6 municipalities in the county. No municipality shall be  
7 entitled to require examinations or any additional certificate  
8 of competency or impose any other conditions for the issuance  
9 of a municipal license except the payment of the customary  
10 fee. The municipality may issue building permits and conduct  
11 the necessary inspections in accordance with the uniform codes  
12 and charge fees therefor.

13           14. Regulate, control, take over, and grant franchises  
14 to, or itself operate gas, light, power, telephone, and other  
15 utilities, sanitary and sewage collection and disposal  
16 systems, water supply, treatment, and service systems, and  
17 public transportation systems, provided, however, that:

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

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

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1 inform the general public of the feasibility and  
2 practicability of the proposed operation.

3         15. Use public funds for the purposes of promoting the  
4 development of the county, including advertising of the area's  
5 advantages.

6         16. Establish and enforce regulations for the sale of  
7 alcoholic beverages in the unincorporated areas and approve  
8 municipal regulations on hours of sale of alcoholic beverages.

9         17. Enter into contracts with other governmental units  
10 within or outside the boundaries of the county for joint  
11 performance or performance by one unit in behalf of the other  
12 of any authorized function.

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

22             (a) In an election called by the Board of County  
23 Commissioners within the municipality a majority of those  
24 voting vote in favor of turning the service over to the  
25 county; or

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

29         19. By ordinance, abolish or consolidate the office of  
30 constables, or any county office created by the Legislature,  
31 or provide for the consolidation and transfer of any of the

1 functions of such officers, provided, however, that there  
2 shall be no power to abolish the Superintendent of Public  
3 Instruction, or to abolish or impair the jurisdiction of the  
4 Circuit Court or to abolish any other Court, provided by the  
5 Constitution or by general law, or the judges or clerks  
6 thereof.

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

13           21. Exercise all powers and privileges granted to  
14 municipalities, counties, and county officers by the  
15 Constitution and laws of the state, and all powers not  
16 prohibited by the Constitution or by this Charter.

17           22. Adopt such ordinances and resolutions as may be  
18 required in the exercise of its powers, and prescribe fines  
19 and penalties for the violation of ordinances.

20           23. Perform any other acts consistent with law which  
21 are required by this Charter or which are in the common  
22 interest of the people of the county.

23           24. Supersede, nullify, or amend any special law  
24 applying to this county, or any general law applying only to  
25 this county, or any general law where specifically authorized  
26 by the Constitution.

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

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1           26. Consider and approve by majority vote persons  
2 nominated by the County Mayor for the positions of Deputy  
3 County Mayor and Chief of Police.

4           B. No enumeration of powers in this Charter shall be  
5 deemed exclusive or restrictive and the foregoing powers shall  
6 be deemed to include all implied powers necessary and proper  
7 to carrying out such powers. All of these powers may be  
8 exercised in the incorporated and unincorporated areas,  
9 subject to the procedures herein provided in certain cases  
10 relating to municipalities.

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

21           D. The Board shall be entitled to levy in the  
22 unincorporated areas all taxes authorized to be levied by  
23 municipalities and to receive from the state any revenues  
24 collected in the unincorporated areas on the same basis as  
25 municipalities.

26           SECTION 1.02. RESOLUTIONS AND ORDINANCES.

27           A. The Board shall adopt its own rules of procedure  
28 and shall decide which actions of the Board shall be by  
29 ordinance or resolution, except as otherwise provided in this  
30 Charter and except that any action of the Board which provides  
31 for raising revenue, appropriating funds, or incurring

1 indebtedness (other than refunding indebtedness), or which  
2 provides a penalty or establishes a rule or regulation for the  
3 violation of which a penalty is imposed shall be by ordinance.

4 B. Every ordinance shall be introduced in writing and  
5 shall contain a brief title. The enacting clause shall be "Be  
6 it Ordained by the Board." After passage on first reading, a  
7 short summary of the ordinance shall be published in a daily  
8 newspaper of general circulation at least once together with a  
9 notice of the time when and place where it will be given a  
10 public hearing and be considered for final passage. The first  
11 such publication shall be at least one week prior to the time  
12 advertised for hearing. No ordinance shall be declared invalid  
13 by reason of any defect in publication or title if the  
14 published summary gives reasonable notice of its intent.

15 C. At the time and place so advertised, or at any time  
16 and place to which such public hearing may from time to time  
17 be adjourned, the ordinance shall be read by title and a  
18 public hearing shall be held. After the hearing, the Board may  
19 pass the ordinance with or without amendment.

20 D. The Board may adopt in whole or in part any  
21 published code by reference as an ordinance in the manner  
22 provided by law.

23 E. The effective date of any ordinance shall be  
24 prescribed therein, but the effective date shall not be  
25 earlier than ten days after its enactment.

26 F. To meet a public emergency affecting life, health,  
27 property, or public safety the Board by two-thirds vote of the  
28 members of the Board may adopt an emergency ordinance at the  
29 meeting at which it is introduced, and may make it effective  
30 immediately, except that no such ordinance may be used to levy  
31 taxes, grant or extend a franchise, or authorize the borrowing



1 of money. After the adoption of an emergency ordinance, the  
2 Board shall have it published in full within ten days in a  
3 daily newspaper of general circulation.

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

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

17 SECTION 1.03. DISTRICTS.

18 A. There shall be thirteen ~~eight~~ County Commission  
19 districts. ~~The initial boundaries of these districts shall be~~  
20 ~~as shown on the map attached as Exhibit A and made a part~~  
21 ~~thereof.~~

22 ~~Note: There are thirteen County Commission districts.~~  
23 ~~Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir.~~  
24 ~~1990), opinion after remand, 985 F.2d 1471 (11th Cir.1993).~~

25 B. The Board may by ordinance adopted by two-thirds  
26 vote of the members of the Board change the boundaries of the  
27 districts from time to time. The boundaries shall be fixed on  
28 the basis of the character, population, and geography of the  
29 districts.

1           C. The Board of County Commissioners shall adopt  
2 procedures for the development of reapportionment plans  
3 similar to the standards used by the Florida Legislature.

4           SECTION 1.04. COMPOSITION OF THE COMMISSION.

5           The Commission shall consist of thirteen ~~nine~~ members  
6 elected as follows:

7           The qualified electors residing within each of the 13  
8 districts shall elect ~~From each of the eight districts there~~  
9 ~~shall be elected by the qualified electors of the county at~~  
10 ~~large~~ a County Commissioner who shall be a qualified elector  
11 residing within the district for at least 1 year ~~six months~~  
12 and within the county at least three years before qualifying.  
13 ~~Commencing with the election of Mayor in 1996, the Commission~~  
14 ~~shall consist of eight members. Beginning with the state~~  
15 ~~primary elections in 1968, the Mayor and each Commissioner~~  
16 ~~shall be elected for a term of four years.~~

17           ~~Note: The Commission consists of thirteen members~~  
18 ~~elected from districts. Meek v.~~

19           ~~Metropolitan Dade County, 908 F.2d 1540 (11th Cir.~~  
20 ~~1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993).~~

21           SECTION 1.05. FORFEITURE OF OFFICE.

22           C. Any appointed official or employee of Dade County  
23 who qualifies as a candidate for election to any federal,  
24 state, county, or municipal office shall immediately take a  
25 leave of absence from his or her county position until the  
26 date of the election and shall, if elected, immediately  
27 forfeit his or her county position. If the candidate is not  
28 elected, he or she shall immediately be reinstated to his or  
29 her former position.

30           SECTION 1.06. SALARY.

31

1           Each member of the Board of County Commissioners  
2 ~~Commissioner~~ shall be paid ~~receive~~ a salary the amount of  
3 which shall be determined and established in accordance with  
4 compensation prescribed for legislators of this state. Each  
5 County Commissioner of \$6,000 per year payable monthly and  
6 shall be entitled to be reimbursed for such reasonable and  
7 necessary expenses as may be approved by the Board.

8           SECTION 1.07. VACANCIES.

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

31

1           B. Upon the creation of a vacancy in the Office of the  
2 County Mayor, the Chairperson of the County Commission shall  
3 be appointed by the Board as the Acting County Mayor until a  
4 new County Mayor is selected by a special election. The  
5 Vice-Chairperson of the County Commission shall assume the  
6 Chairmanship on the Board as the interim Chairperson. A  
7 special election shall be held within 90 days to fill the  
8 vacancy. If the Acting County Mayor chooses to run for County  
9 Mayor, he or she shall relinquish his or her position as  
10 Chairperson of the County Commission and a special election  
11 shall be held for that Commission seat on the same date as the  
12 special election for County Mayor. If the Acting County Mayor  
13 chooses not to run for County Mayor, he or she shall return to  
14 the position of Chairperson once a new County Mayor has been  
15 elected.

16           SECTION 1.08. ORGANIZATION OF THE COMMISSION.

17           A. ~~Commencing with the election of Mayor in 1996,~~The  
18 County Mayor shall not be a member of the Commission. The  
19 County Commission shall elect a Chairperson and a  
20 Vice-Chairperson from its number by a majority vote. The  
21 Chairperson of the Commission shall serve as the presiding  
22 officer of the legislative branch of county government for a  
23 term of 2 years. The Chairperson, in addition to the powers  
24 and duties provided elsewhere in this Charter, shall have the  
25 specific powers and duties to:

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

27           (2) Sign ordinances, resolutions, and other  
28 legislative documents for the Commission.

29           (3) Schedule Commission meetings.  
30  
31

1           (4) Preside over the committee charged with reviewing  
2 nominations submitted by the County Mayor for the positions of  
3 Deputy County Mayor and Chief of Police.

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

7           (6) Appoint the members of all standing committees and  
8 the chairperson of each standing committee.

9  
10 Such powers are not subject to veto by the County Mayor. ~~The~~  
11 ~~Mayor shall be the presiding officer of the Commission with~~  
12 ~~the authority to designate another member of the Commission to~~  
13 ~~serve as presiding officer.~~

14           B. The Clerk of the Circuit Court or a deputy shall  
15 serve as clerk of the County Commission. No action of the  
16 County Commission shall be taken except by a majority vote of  
17 those present at a meeting at which a majority of the County  
18 Commissioners then in office is present. All meetings shall be  
19 public. The County Commission shall organize its own structure  
20 and rules of procedure.

21  
22   ARTICLE - 2  
23

24   COUNTY MAYOR

25                   SECTION 2.01 ~~1.09~~. ELECTION OF COUNTY MAYOR.

26           There shall be elected by the qualified electors of the  
27 county at large a County Mayor who shall be a qualified  
28 elector residing within the county at least three years before  
29 qualifying. The County Mayor shall not serve as a member of  
30 the Commission. No individual serving as the County  
31 Comptroller or as the Inspector General shall be eligible for

1 the position of County Mayor during or within 4 years after  
2 termination from said position.

3 SECTION 2.02 ~~1.10~~. RESPONSIBILITIES OF THE COUNTY  
4 MAYOR.

5 ~~Commencing with the election of Mayor in 1996,~~The  
6 County Mayor shall serve as head of the county government with  
7 the following specific responsibilities:

8 A. The County Mayor shall within ten days after ~~of~~  
9 final adoption by the County Commission, have veto authority  
10 over any legislative, quasi-judicial, zoning, master plan or  
11 land use decision of the County Commission, including the  
12 budget or any particular component contained therein which was  
13 approved by the County Commission; provided, however, that if  
14 any revenue item is vetoed, an expenditure item in the same or  
15 greater dollar amount must also be vetoed. The County  
16 Commission may at its next regularly scheduled meeting after  
17 the veto occurs, override that veto by a two-thirds vote of  
18 the Commissioners present.

19 B. When one person succeeds another in the position of  
20 County Mayor, the successor shall have the right to nominate  
21 persons for the position of Deputy County Mayor. There shall  
22 be five Deputy County Mayors: the Deputy County Mayor of  
23 Public Safety, the Deputy County Mayor of Planning and  
24 Infrastructure, the Deputy County Mayor of Transportation and  
25 Economic Development, the Deputy County Mayor of Human  
26 Services, and the Deputy County Mayor of Governmental  
27 Operations. The five Deputy County Mayor nominees shall be  
28 approved by a majority vote of the County Commission ~~appoint~~  
29 ~~the Manager, subject to the approval within 14 days of a~~  
30 ~~majority of the Commissioners then in office. The Mayor shall~~  
31 ~~appoint the Manager, subject to the approval within 14 days of~~

1 ~~a majority of the Commissioners then in office. The Mayor may~~  
2 ~~remove the Manager subject to the Commission's conducting a~~  
3 ~~hearing within 10 days of said removal and the Commission's~~  
4 ~~overriding the Mayor's action by a two-thirds vote of those~~  
5 ~~Commissioners then in office. Additionally, the Commission by~~  
6 ~~a two-thirds vote of those Commissioners then in office shall~~  
7 ~~be able to remove the Manager.~~

8 C. All Deputy County Mayors shall serve at the  
9 pleasure of the County Mayor.~~The Mayor shall appoint the~~  
10 ~~members of all standing committees and the chairperson and~~  
11 ~~vice-chairperson of each committee. There shall be as many~~  
12 ~~standing and special committees as deemed necessary by the~~  
13 ~~Mayor.~~

14 D. The County Mayor shall prepare and submit an annual  
15 legislative budget request to the County Commission ~~deliver a~~  
16 ~~report on the state of the county to the people of the county~~  
17 ~~between November 1 and January 31 annually. Such report shall~~  
18 ~~be prepared after consultation with the Commissioners and the~~  
19 ~~Manager.~~

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

24 F. Unless otherwise provided for by civil service  
25 rules and regulations, the County Mayor shall have the power  
26 to appoint and suspend, remove, or discharge all  
27 administrative department heads of the major departments  
28 reporting to the County Mayor pursuant to section 5.01. The  
29 right to suspend, remove, or discharge any department head,  
30 with or without cause, is reserved at all times to the County  
31 Mayor.

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

- 4           (1) Chief Administrative Officer.  
5           (2) Budget Director.  
6           (3) Chief Information Officer.  
7           (4) Press Secretary.  
8           (5) Intergovernmental Affairs Director.  
9           (6) Incorporation/Annexation Advisor.  
10          (7) General Counsel.

11  
12   ARTICLE - 3 ~~2~~

13  
14   ELECTIONS

15           SECTION 3.01 ~~2.01~~. ELECTION AND COMMENCEMENT OF TERMS  
16 OF COUNTY COMMISSIONERS.

17           A. ~~Unless otherwise provided in the Charter, beginning~~  
18 ~~in 1976, the election of the Mayor and the County~~  
19 ~~Commissioners from four County Commission districts to be~~  
20 ~~selected by voluntary arrangement or by lot prior to June 1,~~  
21 ~~1976 shall be held at the time of the state primary elections~~  
22 ~~in 1976 and every four years thereafter at the same time. The~~  
23 ~~County Commissioners from the other four County Commission~~  
24 ~~districts shall also be elected in 1976 in the same manner,~~  
25 ~~but only for two year terms; the election of County~~  
26 ~~Commissioners from these four County Commission districts will~~  
27 ~~be held again in 1978 and every four years thereafter at the~~  
28 ~~time of the state primary elections.~~

29           Note: The election of the County Commissioners from  
30 even-numbered districts shall be held in 2002 ~~1994~~ and every  
31 four years thereafter and the election of County Commissioners



1 from odd-numbered districts shall be held in 2004 ~~1996~~ and  
2 every four years thereafter. ~~Meek v. Metropolitan Dade County,~~  
3 ~~908 F.2d 1540 (11th Cir. 1990), opinion after remand, 985 F.2d~~  
4 ~~1471 (11th Cir. 1993).~~

5 B. A candidate must receive a majority of the votes  
6 cast to be elected. If no candidate receives a majority of the  
7 votes cast there will be a runoff election at the time of the  
8 state second primary election between the two candidates  
9 receiving the highest number of votes. Should a tie result,  
10 the outcome shall be determined by lot.

11 C. Except as otherwise provided in this Charter, the  
12 terms of office of the County Mayor and the ~~other~~ County  
13 Commissioners shall commence on the second Tuesday next  
14 succeeding the date provided for the state second primary  
15 elections.

16 ~~D. Notwithstanding any other provision of this~~  
17 ~~Charter, effective with the term of Mayor scheduled to~~  
18 ~~commence in October, 1996, no person shall be elected as Mayor~~  
19 ~~for more than two consecutive four-year terms. Neither service~~  
20 ~~as Mayor or County Commissioner prior to the terms scheduled~~  
21 ~~to commence in October, 1996, nor service of a partial term~~  
22 ~~subsequent to October, 1996, shall be considered in applying~~  
23 ~~the term limitation provisions of this section.~~

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

25 There shall be a County Supervisor of Elections who  
26 shall be elected by the electors of the county in a  
27 nonpartisan election. The election and powers, duties, and  
28 responsibilities of the County Supervisor of Elections shall  
29 be as provided by general law.

30 SECTION 3.03 ~~2.03~~. NONPARTISAN ELECTIONS.  
31

1 All elections for County Mayor and the ~~other~~ members of  
2 the Board of County Commissioners shall be nonpartisan and no  
3 ballot shall show the party designation of any candidate. No  
4 candidate shall be required to pay any party assessment or  
5 state the party of which he is a member or the manner in which  
6 he voted or will vote in any election.

7 SECTION 3.04 ~~2-04~~. QUALIFICATIONS AND FILING FEE.

8 All candidates for the office of County Mayor or County  
9 Commissioner shall qualify with the Clerk of the Circuit Court  
10 no earlier than the 63rd day and no later than noon on the  
11 49th day prior to the date of the election at which he is a  
12 candidate in the method provided by law or ordinance, and  
13 shall pay a filing fee of \$300. All filing fees shall be paid  
14 into the general funds of the county.

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

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

20 B. No person may appear for reelection as County Mayor  
21 if, by the end of the current term of office, that person  
22 shall have served, or but for resignation would have served,  
23 for 8 consecutive years in that office including terms served  
24 in the office of Mayor prior to the effective date of this  
25 charter revision.

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

30 SECTION 3.06 ~~2-06~~. ADDITIONAL REGULATIONS AND STATE  
31 LAWS.

1           A. The Board may adopt by ordinance any additional  
2 regulations governing elections not inconsistent with this  
3 Charter.

4           B. Except as otherwise provided by this Charter or by  
5 ordinance adopted hereunder the provisions of the election  
6 laws of this state shall apply to elections held under this  
7 Charter.

8           SECTION 3.07 ~~2.07~~. CANVASSING ELECTIONS.

9           All elections under this Charter shall be canvassed by  
10 the County Canvassing Board as provided under the election  
11 laws of this state.

12  
13   ARTICLE - 4 ~~3~~

14  
15                           THE COUNTY COMPTROLLER ~~MANAGER~~

16           SECTION 4.01 ~~3.01~~. FUNCTIONS.

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

1           SECTION 4.02 ~~3.02~~. QUALIFICATIONS.

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

11           B. The County Commission shall create a County  
12 Comptroller Nominating Committee to interview candidates for  
13 the position of County Comptroller and to make nominations for  
14 County Comptroller to the full County Commission. Each member  
15 of the County Commission and the County Mayor shall appoint a  
16 county resident to serve on the committee. Elected county  
17 officials, employees of the county, and registered lobbyists  
18 are disqualified for appointment to the County Comptroller  
19 Nominating Committee. A vote of not less than 8 members of  
20 the full County Commission shall be required to appoint the  
21 County Comptroller. Appointment to the position of County  
22 Comptroller shall be for a 6-year term. However, no  
23 individual shall serve more than two consecutive terms in the  
24 position of County Comptroller.

25           ~~Commencing with the election of Mayor in 1996, the~~  
26 ~~Manager shall be chosen on the basis of the Manager's~~  
27 ~~executive and administrative qualifications. At the time of~~  
28 ~~the Manager's appointment the Manager need not be a resident~~  
29 ~~of the state. Neither the Mayor nor any Commissioner shall be~~  
30 ~~eligible for the position of Manager during or within two~~  
31 ~~years after the expiration of their respective terms.~~

1           ~~SECTION 3.03. ABSENCE OF MANAGER.~~

2           ~~Commencing with the election of Mayor in 1996, the~~  
3 ~~Mayor, subject to the approval of the Commission, may~~  
4 ~~designate a qualified administrative officer of the county to~~  
5 ~~assume the duties and authority of the Manager during periods~~  
6 ~~of temporary absence or disability of the Manager.~~

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

8           A. The County Comptroller shall establish the Office  
9 of the Auditor General and shall do all things necessary to  
10 ensure contract and financial compliance with procurement  
11 decisions made by the county and third parties in privity by  
12 the County. The County Comptroller shall have staff and  
13 offices necessary for the execution of these responsibilities.

14 ~~Commencing with the election of Mayor in 1996, the Manager~~  
15 ~~shall be responsible for the administration of all units of~~  
16 ~~the county government under the Manager's jurisdiction, and~~  
17 ~~for carrying out policies adopted by the Commission. The~~  
18 ~~Manager, or such other persons as may be designated by~~  
19 ~~resolution of the Commission, shall execute contracts and~~  
20 ~~other instruments, sign bonds and other evidences of~~  
21 ~~indebtedness, and accept process.~~

22           B. The Office of the Inspector General shall be the  
23 principal investigative arm within the Comptroller's Office.  
24 The Office of Inspector General shall investigate alleged  
25 violations of policy, procedures, and laws by officials,  
26 employees, or third parties in privity with the County. Unless  
27 ~~otherwise provided for by civil service rules and regulations,~~  
28 ~~the Manager shall have the power to appoint and suspend all~~  
29 ~~administrative department heads of the major departments of~~  
30 ~~the county, to-wit: Tax Collector, Tax Assessor, Department of~~  
31 ~~Public Works, Department of Public Safety, Building and Zoning~~

1 ~~Department, Planning Department, Finance Department, Park and~~  
2 ~~Recreation Department and Internal Auditing Department, except~~  
3 ~~that before any appointment shall become effective, the said~~  
4 ~~appointment must be approved by the County Commission and if~~  
5 ~~the same is disapproved the said appointment shall be void. In~~  
6 ~~the event such appointment shall be disapproved by the County~~  
7 ~~Commission the appointment shall forthwith become null and~~  
8 ~~void and thereupon the County Manager shall make a new~~  
9 ~~appointment or appointments, each of which shall likewise be~~  
10 ~~submitted for approval by the County Commission. However, the~~  
11 ~~right to suspend, remove or discharge any department head with~~  
12 ~~or without cause, is reserved at all times to the County~~  
13 ~~Manager.~~

14 C. The County Comptroller shall be the County's  
15 liaison to the Commission on Ethics and Public Trust and shall  
16 be responsible for funding the operations and administration  
17 of the Commission on Ethics and Public Trust.

18 D. The County Comptroller shall submit a legislative  
19 budget request delineating the resources needed to carry out  
20 the functions mandated by the Charter.

21 SECTION 4.04 ~~3.05~~. RESTRICTION REGARDING OFFICE OF  
22 COMPTROLLER ON COMMISSION MEMBERS.

23 Neither the County Mayor nor any County Commissioner  
24 shall direct or request the appointment of any person to, or  
25 his or her removal from, office by the County Comptroller or  
26 any of the County Comptroller's subordinates. Any willful  
27 violation of the provisions of this Section by the County  
28 Mayor or any County Commissioner shall be grounds for his or  
29 her removal from office by an action brought in the Circuit  
30 Court by the State Attorney of this County. Nothing in this  
31 section shall prohibit the County Mayor or a County

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

18 SECTION 4.05 REMOVAL.

19 The Board of County Commissioners shall have the power  
20 to remove the County Comptroller for cause subject to the  
21 County Commission's conducting a public hearing on the matter.  
22 An affirmative vote of not less than eight of those County  
23 Commissioners then in office shall be required to remove the  
24 County Comptroller.

25  
26 ARTICLE - 5 ~~4~~

27  
28 ADMINISTRATIVE ORGANIZATION AND PROCEDURE

29 SECTION 5.01 ~~4.01~~. OFFICES OF THE DEPUTY COUNTY MAYORS  
30 DEPARTMENTS. The County Administration shall be organized into  
31 five service offices each headed by a Deputy County Mayor.

1 The County Mayor shall nominate a Deputy County Mayor for each  
2 of the service offices of Public Safety, Planning and  
3 Infrastructure, Transportation and Economic Development, Human  
4 Services, and Governmental Operations. A majority vote of the  
5 County Commission shall be required for confirmation of any  
6 nominee for a Deputy County Mayor. Each Deputy County Mayor  
7 shall have responsibility for a cluster of related  
8 departments. Initially, the departments within the five  
9 service offices shall be delineated as follows:

10 A. Within the Office of the Deputy County Mayor for  
11 Public Safety, the departments of:

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

19 B. Within the Office of Deputy County Mayor for  
20 Planning and Infrastructure:

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

31



1           C. Within the Office of the Deputy County Mayor for  
2 Transportation and Economic Development:

- 3           (1) Beacon Council.  
4           (2) Chambers of Commerce.  
5           (3) Community & Economic Development.  
6           (4) Consumer Services.  
7           (5) Empowerment Zone.  
8           (6) Greater Miami Convention & Visitors Bureau.  
9           (7) Metro-Miami Action Plan.  
10          (8) Urban Revitalization Task Force.  
11          (9) Aviation.  
12          (10) Seaport.  
13          (11) Transit.  
14          (12) Miami-Dade Expressway Authority.  
15          (13) Metropolitan Planning Organization.  
16          (14) Business Development.  
17          (15) Tourist Development Council.

18           D. Within the Office of the Deputy County Mayor for  
19 Human Services:

- 20          (1) Community Action Agencies.  
21          (2) Housing.  
22          (3) Community Relations Bureau.  
23          (4) Homeless Trust.  
24          (5) Housing Finance Authority.  
25          (6) Human Services.  
26          (7) Public Health Trust.  
27          (8) Training and Education.

28           E. Within the Office of the Deputy County Mayor for  
29 Governmental Operations:

- 30          (1) Tax Collector.  
31          (2) Property Appraiser.

- 1        (3) Team Metro.
- 2        (4) Art in Public Places.
- 3        (5) Cultural Affairs.
- 4        (6) Libraries.
- 5        (7) Museums.
- 6        (8) Performing Arts.

7        ~~There shall be departments of finance, personnel,~~  
8 ~~planning, law, and such other departments as may be~~  
9 ~~established by administrative order of the Manager. All~~  
10 ~~functions not otherwise specifically assigned to others by~~  
11 ~~this Charter shall be performed under the supervision of the~~  
12 ~~Manager.~~

13        SECTION 5.02 ~~4.02~~. ADMINISTRATIVE PROCEDURE.

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

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

25        A. The Executive Office of the County Mayor shall be  
26 ~~responsible for the department of finance shall be headed by a~~  
27 ~~finance director appointed by the Manager. The finance~~  
28 ~~director shall have charge of the financial administration~~  
29 ~~affairs~~ of the county.

30        B. ~~On or before the date established by law, the~~  
31 ~~Manager shall recommend to the Board a proposed budget~~

1 ~~presenting a complete financial plan, including capital and~~  
2 ~~operating budgets, for the ensuing fiscal year. A summary of~~  
3 ~~the budget shall be published and the Board shall hold~~  
4 ~~hearings on and adopt a budget.~~

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

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

31

1 must be open for formal competitive bidding within 6 months  
2 after the date of the award.

3 ~~D.E.~~ Any county official or employee of the county  
4 who has a personal ~~special~~ financial interest, direct or  
5 indirect, in any action by the Board shall make known that  
6 interest and shall refrain from voting upon or otherwise  
7 participating in such transaction. Willful violation of this  
8 Section shall constitute malfeasance in office, shall effect  
9 forfeiture of office or position, and render the transaction  
10 voidable by the Board.

11 ~~E.F.~~ Such officers and employees of the county as the  
12 Board may designate shall give bond in the amount and with the  
13 surety prescribed by the Board. The bond premiums shall be  
14 paid by the county.

15 ~~F.G.~~ At the end of each fiscal year, the County  
16 Comptroller Board shall provide for an audit by an independent  
17 certified public accountant designated by the County  
18 Comptroller Board of the accounts and finances of the county  
19 for the fiscal year just completed.

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

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

24 A. Beginning with the tax year 1961, the county tax  
25 rolls prepared by the county shall be the only legal tax rolls  
26 in this county for the assessment and collection of county and  
27 municipal taxes. Thereafter no municipality shall have an  
28 assessor or prepare an ad valorem tax roll. Each municipality  
29 shall continue to have the right to adopt its own budget, fix  
30 its own millage, and levy its own taxes. Each municipality  
31 shall certify its levies to the County Mayor ~~Manager~~ not later

1 than 30 days after the county tax rolls have been finally  
2 approved by the Board. Any municipality may obtain a copy of  
3 this tax roll upon payment of the cost of preparing such a  
4 copy, and copies of the tax rolls shall be available for  
5 public inspection at reasonable times. Maps showing the  
6 assessed valuation of each parcel of property may be prepared  
7 and made available for sale to the public at a reasonable  
8 price.

9 B. All county and municipal taxes for the tax year  
10 beginning January 1, 1961, and all subsequent tax years, shall  
11 be collected by the county on one bill prepared and sent out  
12 by the county. The amounts of county and municipal taxes shall  
13 be shown as separate items, and may be paid separately.

14 C. Delinquent municipal taxes shall be collected in  
15 the same manner as delinquent county taxes.

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

18 SECTION 5.05 ~~4.05~~. CIVIL SERVICE ~~DEPARTMENT OF~~  
19 ~~PERSONNEL~~.

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

27 ~~B. The County Manager shall appoint a personnel~~  
28 ~~director who shall head the department of personnel and whose~~  
29 ~~duty it shall be to administer the personnel and civil service~~  
30 ~~programs and the rules governing them. The standards of such~~  
31

1 ~~programs shall not be less than those prevailing at the time~~  
2 ~~of the effective date of this Charter.~~

3 B.C. Except as provided herein, Chapter 30255,  
4 General Laws, 1955, as it exists on the effective date of this  
5 Charter, shall remain in effect until amended or changed by  
6 ordinance of the Board of County Commissioners adopted by  
7 two-thirds vote of the members present after recommendation  
8 from either the Personnel Advisory Board or the County Mayor  
9 Manager.

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

30 D.E. The pension plan presently provided by the state  
31 for county employees shall not be impaired by the Board.

1 Employees of municipalities, who by merger, transfer, or  
2 assignment of governmental units or functions become county  
3 employees shall not lose their pension rights, or any reserves  
4 accrued to their benefit during their period of employment  
5 with such municipality. The Board of County Commissioners  
6 shall provide a method by which these employees' rights and  
7 reserves shall be protected, and these employees shall  
8 continue until retirement, dismissal, or death in a pension  
9 status no less beneficial than the status held by them at the  
10 time of merger or assignment.

11 E F. The Board of County Commissioners shall provide  
12 and place into effect a practical group insurance plan for all  
13 county employees.

14 SECTION 5.06 ~~4.06~~. OFFICE OF COUNTY ATTORNEY  
15 ~~DEPARTMENT OF LAW.~~

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

28 SECTION 5.07 ~~4.07~~. DEMOGRAPHIC, POLICY, AND DEPARTMENT  
29 ~~OF PLANNING.~~

30 ~~The department of planning shall be headed by a~~  
31 ~~planning director appointed by the County Manager. The~~

1 ~~planning director shall be qualified in the field of planning~~  
2 ~~by special training and experience.~~ Under the supervision of  
3 the County Mayor Manager and with the advice of the Planning  
4 Advisory Board elsewhere provided for in this Charter, the  
5 Office of Deputy County Mayor of Planning and Infrastructure  
6 ~~director~~ shall among other things:

7         1. Conduct studies of county population, land use,  
8 facilities, resources, and needs and other factors which  
9 influence the county's development, and on the basis of such  
10 studies prepare such official and other maps and reports as,  
11 taken together, constitute a master plan for the welfare,  
12 recreational, economic, and physical development of the  
13 county.

14         2. Prepare for review by the Planning Advisory Board,  
15 and for adoption by the Board of County Commissioners, zoning,  
16 subdivision and related regulations for the unincorporated  
17 areas of the county and minimum standards governing zoning,  
18 subdivision, and related regulations for the municipalities;  
19 and prepare recommendations to effectuate the master plan and  
20 to coordinate the county's proposed capital improvements with  
21 the master plan.

22         3. Review the municipal systems of planning, zoning,  
23 subdivision, and related regulations and make recommendations  
24 thereon with a view of coordinating such municipal systems  
25 with one another and with those of the county.

26         SECTION 5.08 ~~4.08~~. BOARDS.

27         A. The Board of County Commissioners shall by  
28 ordinance create a Planning Advisory Board, a Zoning Appeals  
29 Board, and such other boards as it may deem necessary,  
30 prescribing in each case the number, manner of appointment,  
31 length of term, and advisory or quasi-judicial duties of



1 members of such boards, who shall serve without compensation  
2 but who may be reimbursed for necessary expenses incurred in  
3 official duties, as may be determined and approved by the  
4 Board of County Commissioners.

5 B. The Board of County Commissioners may by ordinance  
6 provide for the ~~expansion of the City of Miami~~ Water and Sewer  
7 Board to act as an agency county-wide in scope and authority,  
8 with the power to acquire, construct and operate water and  
9 sewer systems within the incorporated and the unincorporated  
10 areas of Dade County, which agency shall be known as the  
11 Miami-Dade Water and Sewer Authority. The Miami-Dade Water and  
12 Sewer Authority shall have the responsibility to develop and  
13 operate a county-wide water and sewer system for the purpose  
14 of providing potable water, sewage collection and disposal and  
15 water pollution abatement to the citizens of Dade County.

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

21  
22 ARTICLE - 6 5

23  
24 MUNICIPALITIES

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

26 The municipalities in the county shall remain in  
27 existence so long as their electors desire. No municipality in  
28 the county shall be abolished without approval of a majority  
29 of its electors voting in an election called for that purpose.  
30 The right of self determination in local affairs is reserved  
31

1 and preserved to the municipalities except as otherwise  
2 provided in this Charter.

3 SECTION 6.02 ~~5.02~~. MUNICIPAL POWERS.

4 Each municipality shall have the authority to exercise  
5 all powers relating to its local affairs not inconsistent with  
6 this Charter. Each municipality may provide for higher  
7 standards of zoning, service, and regulation than those  
8 provided by the Board of County Commissioners in order that  
9 its individual character and standards may be preserved for  
10 its citizens.

11 SECTION 6.03 ~~5.03~~. MUNICIPAL CHARTERS.

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

29 B. All municipal charters, amendments thereto, and  
30 repeals thereof shall be filed with the Clerk of the Circuit  
31 Court.

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

2           A. The Office of Deputy County Mayor of Planning and  
3 Infrastructure ~~director~~ shall study municipal boundaries with  
4 a view to recommending their orderly adjustment, improvement,  
5 and establishment. Proposed boundary changes may be initiated  
6 by the Planning Advisory Board, the Board of County  
7 Commissioners, the governing body of a municipality, or by a  
8 petition of any person or group concerned.

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

19           C. No municipal boundary shall be altered except as  
20 provided by this Section.

21           SECTION 6.05 ~~5-05~~. CREATION OF NEW MUNICIPALITIES.

22           The Board of County Commissioners and only the Board  
23 may authorize the creation of new municipalities in the  
24 unincorporated areas of the county after hearing the  
25 recommendations of the Planning Advisory Board, after a public  
26 hearing, and after an affirmative vote of a majority of the  
27 electors voting and residing within the proposed boundaries.  
28 The Board of County Commissioners shall appoint a charter  
29 commission, consisting of five electors residing within the  
30 proposed boundaries, who shall propose a charter to be  
31 submitted to the electors in the manner provided in Section

1 6.03 ~~5.03~~. The new municipality shall have all the powers and  
2 rights granted to or not withheld from municipalities by this  
3 Charter and the Constitution and general laws of the State of  
4 Florida. Notwithstanding any provision of this Charter to the  
5 contrary, with regard to any municipality created after  
6 September 1, 2000, the pre-agreed conditions between the  
7 County and the prospective municipality which are included in  
8 the municipal charter may only be changed if approved by an  
9 affirmative vote of two-thirds of the members of the Board of  
10 County Commissioners then in office, prior to a vote of  
11 qualified municipal electors.

12 SECTION 6.06 ~~5.06~~. CONTRACTS WITH OTHER UNITS OF  
13 GOVERNMENT.

14 Every municipality in this county shall have the power  
15 to enter into contracts with other governmental units within  
16 or outside the boundaries of the municipality or the county  
17 for the joint performance or performance by one unit in behalf  
18 of the other of any municipal function.

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

20 Revenues realized from franchise and utility taxes  
21 imposed by municipalities shall belong to municipalities.

23 ARTICLE - 7 6

25 PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

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

29 SECTION 7.01 ~~6.01~~. POLICY.

30 Parks, aquatic preserves, and lands acquired by the  
31 County for preservation shall be held in trust for the

1 education, pleasure, and recreation of the public and they  
2 shall be used and maintained in a manner which will leave them  
3 unimpaired for the enjoyment of future generations as a part  
4 of the public's irreplaceable heritage. They shall be  
5 protected from commercial development and exploitation and  
6 their natural landscape, flora and fauna, and scenic beauties  
7 shall be preserved. In lands acquired by the County for  
8 preservation and in parks along the Ocean or the Bay the  
9 public's access to and view of the water shall not be  
10 obstructed or impaired by buildings or other structures or  
11 concessions which are in excess of 1500 square feet each.  
12 Adequate maintenance shall be provided.

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

14 In furtherance of this policy parks shall be used for  
15 public park purposes only, and subject to the limited  
16 exceptions set forth in this Article, there shall be no  
17 permanent structures or private commercial advertising erected  
18 in a public park or private commercial use of a public park or  
19 renewals, expansions, or extensions of existing leases,  
20 licenses, or concessions to private parties of public park  
21 property, unless each such structure, lease, license, renewal,  
22 expansion, extension, concession or use shall be approved by a  
23 majority vote of the voters in a County-wide referendum.  
24 Nothing in this Article shall prevent any contract with  
25 federally tax-exempt not-for-profit youth, adult, and senior  
26 cultural, conservation and parks and recreation program  
27 providers. To ensure aquatic preserves, lands acquired by the  
28 County for preservation, and public parks or parts thereof  
29 which are nature preserves, beaches, natural forest areas,  
30 historic or archeological areas, or otherwise possess unique  
31 natural values in their present state, such as Matheson

1 Hammock, Greynolds Park, Redlands Fruit and Spice Park,  
2 Castellow Hammock, Crandon Park, Trail Glades Park, Deering  
3 Estate Park, Pine Shore Park, Old Cutler Hammock, Chapman  
4 Field, Tamiami Pinelands, Wainright Park, Larry and Penny  
5 Thompson Park, Whispering Pines Hammock, Mangrove Preserve,  
6 Owaissa Bauer Park, Fuchs Hammock, Black Point Marina, Simpson  
7 Park, Sewell Park, Barnes Park, Virginia Key, mangrove  
8 preserves, and all other natural or historical resource based  
9 parks do not lose their natural or historical values, any  
10 structure, lease, license, renewal, extension, concession or  
11 use in any of this class of public parks or in aquatic  
12 preserves and preservation lands must be approved by an  
13 affirmative vote of two-thirds of the voters in a County-wide  
14 referendum. No park shall be designed to be used beyond its  
15 appropriate carrying capacity and to the extent required by  
16 law all parks and facilities and permitted special events and  
17 concessions operating in the parks shall be fully accessible  
18 to persons with disabilities. Nothing in this Article shall  
19 prevent the maintenance of existing facilities, the  
20 maintenance, operation, and renovation of existing golf course  
21 and marina restaurants at their existing square footage by  
22 government agencies or private operators, provided such  
23 private operators are chosen as a result of competitive  
24 selection and their initial contract terms are limited to no  
25 more than ten years, or the construction, operation,  
26 maintenance, and repair by government agencies or private  
27 operators of or issuance of temporary permits for:  
28       A. Appropriate access roads, bridges, fences,  
29 lighting, flag poles, entrance features, picnic shelters,  
30 tables, grills, benches, irrigation systems, walls, erosion  
31 control devices, utilities, trash removal, parking and

- 1 security and fire facilities for the primary use of the park  
2 system;
- 3 B. Food and concession facilities each not in excess  
4 of 1500 square feet of enclosed space, with any complementary  
5 outdoor or covered areas needed to service park patrons;
- 6 C. User-participation non-spectator recreation and,  
7 playground facilities, golf courses and golf-course related  
8 facilities, and bandstands and bandshells containing less than  
9 1,000 spectator seats and athletic facilities, sports fields  
10 and arenas containing less than 3,000 spectator seats;
- 11 D. Facilities for marinas, sightseeing and fishing  
12 boats, visiting military vessels, and fishing;
- 13 E. Park signage and appropriate plaques and monuments;
- 14 F. Rest rooms;
- 15 G. Fountains, gardens, and works of art;
- 16 H. Park service facilities, senior, day care and  
17 pre-school facilities, small nature centers with not more than  
18 one classroom;
- 19 I. Film permits, temporary fairs, art exhibits,  
20 performing arts, concerts, cultural and historic exhibitions,  
21 regattas, athletic contests and tournaments, none of which  
22 require the erection of permanent structures;
- 23 J. Advertising in connection with sponsorship of  
24 events or facilities in the park, provided however all such  
25 facilities and uses are compatible with the particular park  
26 and are scheduled so that such events do not unreasonably  
27 impair the public use of the park or damage the park.
- 28 K. Programming partnerships with qualified federally  
29 tax exempt not-for-profit youth, adult, and senior cultural,  
30 conservation, and parks and recreation program providers;
- 31

1 L. Agreements with cable, internet, telephone,  
2 electric or similar service providers or utilities, so long as  
3 any installations are underground or do not adversely impact  
4 natural resources, or parks facilities and uses. No park  
5 facilities, golf courses, or County lands acquired for  
6 preservation shall be converted to or used for non-park  
7 offices, purposes, or uses. The County, the municipalities,  
8 and agencies or groups receiving any public funding shall not  
9 expend any public money or provide any publicly funded  
10 services in kind to any project which does not comply with  
11 this Article. No building permit or certificate of occupancy  
12 shall be issued for any structure in violation of this  
13 Article. The restrictions applying to parks in this Article  
14 shall not apply to the Dade County Youth Fair site, Metro Zoo,  
15 Tamiami Stadium, Haulover Fishing Pier, the Dade County  
16 Auditorium, the Museum of Science, the Gold Coast Railroad  
17 Museum, Vizcaya Museum and Gardens, Trail Glade Range, the  
18 Orange Bowl, the Commodore Ralph Munroe Marine Stadium, the  
19 Seaquarium, Curtis Park track and stadium, Fairchild Tropical  
20 Gardens, and mini and neighborhood parks except that no mini  
21 or neighborhood park may be leased or disposed of unless a  
22 majority of the residents residing in voting precincts any  
23 part of which is within 1 mile of the park authorize such sale  
24 or lease by majority vote in an election.

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

26 All elections required by this Article shall be held  
27 either in conjunction with state primary or general elections  
28 or as part of bond issue elections. The provisions of this  
29 Article may be enforced in the same manner as provided in  
30 Section (C) of the Citizens' Bill of Rights of this Charter.  
31 The provisions of this Article shall be liberally construed in



1 favor of the preservation of all park lands, aquatic  
2 preserves, and preservation lands. If any provision of this  
3 Article shall be declared invalid it shall not affect the  
4 validity of the remaining provisions of this Article. This  
5 Article shall not be construed to illegally impair any  
6 previously existing valid written contractual commitments or  
7 bids or bonded indebtedness.

8 SECTION 7.04 ~~6.04~~. JURISDICTION.

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

18  
19 ARTICLE - 8 7

20  
21 INITIATIVE, REFERENDUM, AND RECALL

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

23 The electors of the county shall have the power to  
24 propose to the Board of County Commissioners passage or repeal  
25 of ordinances and to vote on the question if the Board refuses  
26 action, according to the following procedure:

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

1           2. The person or persons circulating the petition  
2 shall, within 60 days of the approval of the form of the  
3 petition, obtain the valid signatures of voters in the county  
4 in numbers at least equal to four percent of the registered  
5 voters in the county on the day on which the petition is  
6 approved, according to the official records of the County  
7 Supervisor of Elections. In determining the sufficiency of the  
8 petition, no more than 25 percent of the valid signatures  
9 required shall come from voters registered in any single  
10 county commission district. Each signer of a petition shall  
11 place thereon, after his name, the date, and his place of  
12 residence or precinct number. ~~Each person circulating a copy~~  
13 ~~of the petition shall attach to it a sworn affidavit stating~~  
14 ~~the number of signers and the fact that each signature was~~  
15 ~~made in the presence of the circulator of the petition.~~

16           3. The signed petition shall be filed with the Board  
17 which shall within 30 days order a canvass of the signatures  
18 thereon to determine the sufficiency of the signatures. If the  
19 number of signatures is insufficient or the petition is  
20 deficient as to form or compliance with this Section, the  
21 Board shall notify the person filing the petition that the  
22 petition is insufficient and has failed.

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

25           (a) Adopt the ordinance as submitted in an initiatory  
26 petition or repeal the ordinance referred to by a referendary  
27 petition, or

28           (b) Submit the proposal to the electors in impartial  
29 and concise language and in such manner as provides a clear  
30 understanding of the proposal.

31

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

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

4           (b) If the petition contains the valid signatures in  
5 the county in numbers at least equal to eight percent of the  
6 registered voters in the county, the election shall take place  
7 within 120 days after the date the petition is presented to  
8 the Board, preferably in an election already scheduled for  
9 other purposes, otherwise in a special election. The result  
10 shall be determined by a majority vote of the electors voting  
11 on the proposal.

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

15           (a) Any reduction or elimination of existing revenue  
16 or any increase in expenditures not provided for by the  
17 current budget or by existing bond issues shall not take  
18 effect until the beginning of the next succeeding fiscal year;  
19 and

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

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

27           7. An ordinance adopted by the electorate through  
28 initiatory proceedings shall not be amended or repealed by the  
29 Board for a period of one year after the election at which it  
30 was adopted, but thereafter it may be amended or repealed like  
31 any other ordinance.

1           SECTION 8.02 ~~7.02~~. RECALL.

2           Any member of the Board of County Commissioners or the  
3 County Mayor ~~Sheriff or any Constable~~ may be removed from  
4 office by the electors of the county, district, or  
5 municipality by which the officeholder ~~he~~ was chosen. The  
6 procedure on a recall petition shall be identical with that  
7 for an initiatory or referendary petition, except that:

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

10           2. The person or persons circulating the petition must  
11 obtain signatures of electors of the county, district, or  
12 municipality concerned in numbers at least equal to four  
13 percent of the registered voters in the county district or  
14 municipality on the day on which the petition is approved,  
15 according to the official records of the County Supervisor of  
16 Elections.

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

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

22           5. The question of recall shall be placed on the  
23 ballot in a manner that will give the elector a clear choice  
24 for or against the recall. The result shall be determined by a  
25 majority vote of the electors voting on the question.

26           6. If the majority is against recall the officer shall  
27 continue in office under the terms of his previous election.  
28 If the majority is for recall he shall, regardless of any  
29 defect in the recall petition, be deemed removed from office  
30 immediately.

31

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

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

9  
10   ARTICLE - 9 ~~8~~

11  
12   GENERAL PROVISIONS

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

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

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

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

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

19           D. On said date, the Office of County Manager is  
20 abolished and the powers and functions of such office are  
21 hereby transferred to the County Mayor, except the duties and  
22 functions of the Office of the County Comptroller listed under  
23 Article 4.

24           E. On said date, the Office of the County Supervisor  
25 of Registration is abolished and the powers and functions of  
26 such office are hereby transferred to the County Supervisor of  
27 Elections who shall provide for the continuation of all the  
28 duties and functions of such office required under the  
29 Constitution and general laws of this state as provided in  
30 Section 3.02.

31           SECTION 9.02 ~~8.02~~. RESERVED.

1           SECTION 9.03 ~~8.03~~. TORT LIABILITY.

2           ~~The county shall be liable in actions of tort to the~~  
3 ~~same extent that municipalities in the State of Florida are~~  
4 ~~liable in actions in tort. However,~~No suit shall be  
5 maintained against the county for damages to persons or  
6 property or for wrongful death arising out of any tort unless  
7 written notice of claim shall first have been given to the  
8 county in the manner and within the time provided by  
9 ordinance, except that the time fixed by ordinance for notice  
10 shall be not less than 30 days nor more than 120 days.

11           ~~Note: Waiver of County's tort immunity held~~  
12 ~~unconstitutional in Kaulakis v. Boyd, Fla. 1962, 138 So.2d 505.~~

13           SECTION 9.04 ~~8.04~~. SUPREMACY CLAUSE.

14           A. This Charter and the ordinances adopted hereunder  
15 shall in cases of conflict supersede all municipal charters  
16 and ordinances, except as herein provided, and where  
17 authorized by the Constitution, shall in cases of conflict  
18 supersede all special and general laws of the state.

19           B. All other special and general laws and county  
20 ordinances and rules and regulations not inconsistent with  
21 this Charter shall continue in effect until they are  
22 superseded by ordinance adopted by the Board pursuant to this  
23 Charter and the Constitution.

24           SECTION 9.05 ~~8.05~~. EXISTING FRANCHISES, CONTRACTS, AND  
25 LICENSES.

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

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

31

1           ~~A.~~ This Charter shall be liberally construed in aid of  
2 its declared purpose, which is to establish effective home  
3 rule government in this county responsive to the people. If  
4 any Article, Section, subsection, sentence, clause, or  
5 provision of this Charter or the application thereof shall be  
6 held invalid for any reason, the remainder of the Charter and  
7 of any ordinances or regulations made thereunder shall remain  
8 in full force and effect.

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

12           SECTION 9.07 ~~8.07~~. AMENDMENTS.

13           A. Amendments to this Charter may be proposed by a  
14 resolution adopted by the Board of County Commissioners or by  
15 petition of electors numbering not less than ten percent of  
16 the total number of electors registered in Dade County at the  
17 time the petition is submitted to the Board. Initiatory  
18 petitions shall be certified in the manner required for  
19 initiatory petitions for an ordinance.

20           B. Amendments to this Charter may be proposed by  
21 initiatory petitions of electors biennially, only during even  
22 numbered years in which state primary and general elections  
23 are held. All elections on charter amendments proposed by  
24 initiatory petitions shall be held in conjunction with state  
25 primary or general elections, unless the Board of County  
26 Commissioners shall determine to call a special election by  
27 two-thirds vote of the entire membership.

28           C. Amendments to this Charter may be proposed by the  
29 Board of County Commissioners at any time. Elections on  
30 charter amendments proposed by the Board shall be held not  
31



1 less than 60 nor more than 120 days after the Board adopts a  
2 resolution proposing any amendment.

3 D. The result of all elections on charter amendments  
4 shall be determined by a majority of the electors voting on  
5 the proposed amendment.

6 SECTION 9.08 ~~8.08~~. REVISIONS.

7 At least once in every 5 year period the Board shall  
8 review the Charter and determine whether or not there is a  
9 need for revision. If the Board determines that a revision is  
10 needed, it shall establish a procedure for the preparation of  
11 a proposed revision of the Charter. The proposed revision  
12 shall then be presented to the Board for review, modification  
13 and approval. If the Board approves such proposed revision,  
14 either with or without modification, it shall present such  
15 proposed revision to the electorate in accordance with the  
16 provisions of Section 9.07 ~~8.07~~ (C) and (D). Simultaneous  
17 elections may be held on a proposed revision and on individual  
18 amendments that are proposed.

19 SECTION 9.09 ~~8.09~~. EFFECTIVE DATE.

20 This Charter shall become effective 60 days after it is  
21 ratified by a majority of the qualified electors of the county  
22 voting on the Charter.

23  
24 ARTICLE - 10 ~~9~~

25  
26 NAME OF COUNTY

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

28 A. The name of Dade County shall officially be changed  
29 to Miami-Dade County and all references to Dade County in the  
30 Florida Constitution, Florida Statutes, Code of Metropolitan  
31

1 Dade County, federal law, case law and other legal documents,  
2 shall be deemed to be references to Miami-Dade County.

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

5  
6 ARTICLE - 11

7  
8 SEVERABILITY

9 If any provision of this charter or the application  
10 thereof to any person or circumstance is held invalid, the  
11 invalidity shall not affect other provisions or applications  
12 of the charter which can be given effect without the invalid  
13 provision or application, and to this end the provisions of  
14 this charter are declared severable.

15 Section 2. If any provision of this act or the  
16 application thereof to any person or circumstance is held  
17 invalid, the invalidity shall not affect other provisions or  
18 applications of the act which can be given effect without the  
19 invalid provision or application, and to this end the  
20 provisions of this act are declared severable.

21 Section 3. (1) Contingent upon approval of an  
22 amendment to the State Constitution at the general election  
23 held in November 2002 authorizing amendments or revisions to  
24 the home rule charter of Miami-Dade County by special law  
25 approved by a vote of the electors, the revision of the Dade  
26 County Home Rule Charter proposed by this act shall be  
27 submitted to the voters of Miami-Dade County by the Board of  
28 County Commissioners of Dade County in a referendum to be held  
29 in November 2003, in the following form, and shall take effect  
30 only upon approval by a majority of the electors of Miami-Dade  
31 County voting in such referendum:

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PROPOSED REVISION OF THE DADE COUNTY HOME RULE CHARTER.

Proposing a revision of the Dade County Home Rule Charter to provide for a County Mayor, County Comptroller, County Attorney, and nonpartisan elected County Supervisor of Elections and for Deputy County Mayors; provide powers, duties, and term limits of the Mayor, Comptroller, and county commissioners; provide for salaries of the Mayor, Comptroller, and county commissioners; revise the administrative organization and procedures of the county; and abolish the County Manager and County Supervisor of Registration offices.

....FOR the proposed revision of the Dade County Home Rule Charter

....AGAINST the proposed revision of the Dade County Home Rule Charter.

(2) This section and section 2 shall take effect upon becoming a law.