

By Senator Garcia

39-1700-02

See HB 1069

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

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

17

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

19

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

22

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

24

25 PREAMBLE

26

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

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

3  
4 CITIZENS' BILL OF RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8

9

ARTICLE - 1

10

11

BOARD OF COUNTY COMMISSIONERS

12

SECTION 1.01. POWERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           B. No enumeration of powers in this Charter shall be  
27 deemed exclusive or restrictive and the foregoing powers shall  
28 be deemed to include all implied powers necessary and proper  
29 to carrying out such powers. All of these powers may be  
30 exercised in the incorporated and unincorporated areas,  
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1 subject to the procedures herein provided in certain cases  
2 relating to municipalities.

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

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

18 SECTION 1.02. RESOLUTIONS AND ORDINANCES.

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

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

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

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

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

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

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

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

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

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

9 SECTION 1.03. DISTRICTS.

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

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

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

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

25 SECTION 1.04. COMPOSITION OF THE COMMISSION.

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

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

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

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

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

11 SECTION 1.05. FORFEITURE OF OFFICE.

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

20 SECTION 1.06. SALARY.

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

28 SECTION 1.07. VACANCIES.

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

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

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

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

4 SECTION 1.08. ORGANIZATION OF THE COMMISSION.

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

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

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

17 (3) Schedule Commission meetings.

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

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

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

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

31



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

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

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

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

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

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

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

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

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

26  
27 ARTICLE - 3 ~~2~~

28  
29 ELECTIONS

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

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

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

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

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

31

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

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

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

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

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

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

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

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

31



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

12 SECTION 4.02 ~~3.02~~. QUALIFICATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21  
22 ARTICLE - 5 4  
23

24 ADMINISTRATIVE ORGANIZATION AND PROCEDURE

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

1 County Commission shall be required for confirmation of any  
2 nominee for a Deputy County Mayor. Each Deputy County Mayor  
3 shall have responsibility for a cluster of related  
4 departments. Initially, the departments within the five  
5 service offices shall be delineated as follows:  
6       A. Within the Office of the Deputy County Mayor for  
7 Public Safety, the departments of:  
8           (1) Corrections and Rehabilitation.  
9           (2) Emergency Management.  
10          (3) Miami-Dade Fire Rescue.  
11          (4) Medical Examiner.  
12          (5) Miami-Dade Police.  
13          (6) Youth Crime Task Force.  
14          (7) Animal Control.  
15       B. Within the Office of Deputy County Mayor for  
16 Planning and Infrastructure:  
17           (1) Department of Environmental Resources Management.  
18           (2) Office of Water Management.  
19           (3) Planning and Zoning.  
20           (4) Public Works.  
21           (5) Solid Waste.  
22           (6) Water and Sewer.  
23           (7) Building.  
24           (8) Capital Improvement Coordination.  
25           (9) Code Compliance.  
26           (10) Parks & Recreation.  
27       C. Within the Office of the Deputy County Mayor for  
28 Transportation and Economic Development:  
29           (1) Beacon Council.  
30           (2) Chambers of Commerce.  
31           (3) Community & Economic Development.

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

1           (8) Performing Arts.

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           SECTION 5.08 ~~4.08~~. BOARDS.

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

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

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

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

15  
16 ARTICLE - 6 5

17  
18 MUNICIPALITIES

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

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

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

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

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

4 SECTION 6.03 ~~5.03~~. MUNICIPAL CHARTERS.

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

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

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

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

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

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

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

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

16 The Board of County Commissioners and only the Board  
17 may authorize the creation of new municipalities in the  
18 unincorporated areas of the county after hearing the  
19 recommendations of the Planning Advisory Board, after a public  
20 hearing, and after an affirmative vote of a majority of the  
21 electors voting and residing within the proposed boundaries.  
22 The Board of County Commissioners shall appoint a charter  
23 commission, consisting of five electors residing within the  
24 proposed boundaries, who shall propose a charter to be  
25 submitted to the electors in the manner provided in Section  
26 6.03 ~~5-03~~. The new municipality shall have all the powers and  
27 rights granted to or not withheld from municipalities by this  
28 Charter and the Constitution and general laws of the State of  
29 Florida. Notwithstanding any provision of this Charter to the  
30 contrary, with regard to any municipality created after  
31 September 1, 2000, the pre-agreed conditions between the

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

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

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

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

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

16

17 ARTICLE - 7 ~~6~~

18

19 PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

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

23 SECTION 7.01 ~~6.01~~. POLICY.

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

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

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

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

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

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

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

31

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

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

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

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

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

3 SECTION 7.04 ~~6.04~~. JURISDICTION.

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

13  
14 ARTICLE - 8 ~~7~~

15  
16 INITIATIVE, REFERENDUM, AND RECALL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 SECTION 8.02 ~~7.02~~. RECALL.

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

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

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

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

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

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

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

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

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

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ARTICLE - 9 ~~8~~

GENERAL PROVISIONS

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

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

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

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

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

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

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

23            SECTION 9.02 ~~8-02~~. RESERVED.

24            SECTION 9.03 ~~8-03~~. TORT LIABILITY.

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

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

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

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

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

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

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

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

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

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

31

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

4           SECTION 9.07 ~~8.07~~. AMENDMENTS.

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

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

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

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

28           SECTION 9.08 ~~8.08~~. REVISIONS.

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

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

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

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

14  
15 ARTICLE - 10 ~~9~~

16  
17 NAME OF COUNTY

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

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

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

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

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