

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 severability for charter provisions;
 17 providing severability; providing for a
 18 referendum to be called by the Board of County
 19 Commissioners of Miami-Dade County; specifying
 20 the form of the ballot question on the
 21 referendum; providing for effect upon
 22 referendum approval; providing an effective
 23 date.

24

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

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

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

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PREAMBLE

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

CITIZENS' BILL OF RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14
15 ARTICLE - 1

16
17 BOARD OF COUNTY COMMISSIONERS

18 SECTION 1.01. POWERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 27. Remove the County Comptroller for cause subject to
30 the County Commission's conducting a public hearing on the
31 matter. An affirmative vote of not less than two-thirds of

1 those County Commissioners then in office shall be required to
2 remove the County Comptroller.

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

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

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

25 SECTION 1.02. RESOLUTIONS AND ORDINANCES.

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

1 provides a penalty or establishes a rule or regulation for the
2 violation of which a penalty is imposed shall be by ordinance.

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

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

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

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

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

1 Board shall have it published in full within ten days in a
2 daily newspaper of general circulation.

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

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

16 SECTION 1.03. DISTRICTS.

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

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

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

29 C. The Board of County Commissioners shall adopt
30 procedures for the development of reapportionment plans
31 similar to the standards used by the Florida Legislature.

1 SECTION 1.04. COMPOSITION OF THE COMMISSION.

2 The Commission shall consist of thirteen ~~nine~~ members
3 elected as follows:

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

14 ~~Note: The Commission consists of thirteen members~~
15 ~~elected from districts. Meek v.~~

16 ~~Metropolitan Dade County, 908 F.2d 1540 (11th Cir.~~
17 ~~1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993).~~

18 SECTION 1.05. FORFEITURE OF OFFICE.

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

27 SECTION 1.06. SALARY.

28 Each member of the Board of County Commissioners
29 ~~Commissioner~~ shall be paid ~~receive~~ a salary the amount of
30 which shall be determined and established in accordance with
31 compensation prescribed for legislators of this state. Each

1 County Commissioner of \$6,000 per year payable monthly and
2 shall be entitled to be reimbursed for such reasonable and
3 necessary expenses as may be approved by the Board.

4 SECTION 1.07. VACANCIES.

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

27 B. Upon the creation of a vacancy in the Office of the
28 County Mayor, the Chairperson of the County Commission shall
29 be appointed by the Board as the Acting County Mayor until a
30 new County Mayor is selected by a special election. The
31 Vice-Chairperson of the County Commission shall assume the

1 Chairmanship on the Board as the interim Chairperson. A
2 special election shall be held within 90 days to fill the
3 vacancy. If the Acting County Mayor chooses to run for County
4 Mayor, he or she shall relinquish his or her position as
5 Chairperson of the County Commission and a special election
6 shall be held for that Commission seat on the same date as the
7 special election for County Mayor. If the Acting County Mayor
8 chooses not to run for County Mayor, he or she shall return to
9 the position of Chairperson once a new County Mayor has been
10 elected.

11 SECTION 1.08. ORGANIZATION OF THE COMMISSION.

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

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

22 (2) Sign ordinances, resolutions, and other
23 legislative documents for the Commission.

24 (3) Schedule Commission meetings.

25 (4) Preside over the committee charged with reviewing
26 nominations submitted by the County Mayor for the positions of
27 Deputy County Mayor and Chief of Police.

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

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

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

30 C. All Deputy County Mayors shall serve at the
 31 pleasure of the County Mayor. ~~The Mayor shall appoint the~~

1 ~~members of all standing committees and the chairperson and~~
2 ~~vice-chairperson of each committee. There shall be as many~~
3 ~~standing and special committees as deemed necessary by the~~
4 ~~Mayor.~~

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

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

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

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

26 (1) Chief Administrative Officer.

27 (2) Budget Director.

28 (3) Chief Information Officer.

29 (4) Press Secretary.

30 (5) Intergovernmental Affairs Director.

31 (6) Incorporation/Annexation Advisor.

1 receiving the highest number of votes. Should a tie result,
2 the outcome shall be determined by lot.

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

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

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

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

22 SECTION 3.03 ~~2.03~~. NONPARTISAN ELECTIONS.

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

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

30 All candidates for the office of County Mayor or County
31 Commissioner shall qualify with the Clerk of the Circuit Court

1 no earlier than the 63rd day and no later than noon on the
 2 49th day prior to the date of the election at which he is a
 3 candidate in the method provided by law or ordinance, and
 4 shall pay a filing fee of \$300. All filing fees shall be paid
 5 into the general funds of the county.

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

7 A. No person convicted of a felony or those mentally
 8 incompetent shall be qualified to vote or hold office until
 9 restoration of civil rights or removal of disability.

10 B. No person may appear for reelection as County Mayor
 11 or to the County Commission if, by the end of the current term
 12 of office, that person shall have served, or but for
 13 resignation would have served, in that office for 8
 14 consecutive years.

15 SECTION 3.06 ~~2-06~~. ADDITIONAL REGULATIONS AND STATE
 16 LAWS.

17 A. The Board may adopt by ordinance any additional
 18 regulations governing elections not inconsistent with this
 19 Charter.

20 B. Except as otherwise provided by this Charter or by
 21 ordinance adopted hereunder the provisions of the election
 22 laws of this state shall apply to elections held under this
 23 Charter.

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

25 All elections under this Charter shall be canvassed by
 26 the County Canvassing Board as provided under the election
 27 laws of this state.

28
 29 ARTICLE - 4 ~~3~~

30
 31 THE COUNTY COMPTROLLER ~~MANAGER~~

1 SECTION 4.01 ~~3.01~~. FUNCTIONS.

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

17 SECTION 4.02 ~~3.02~~. QUALIFICATIONS.

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

26 B. The County Commission shall create a County
 27 Comptroller Nominating Committee to interview candidates for
 28 the position of County Comptroller and to make nominations for
 29 County Comptroller to the full County Commission. Each member
 30 of the County Commission and the County Mayor shall appoint a
 31 county resident to serve on the committee. Elected county

1 officials, employees of the county, and registered lobbyists
2 are disqualified for appointment to the County Comptroller
3 Nominating Committee. A vote of not less than 8 members of
4 the full County Commission shall be required to appoint the
5 County Comptroller.

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

13 ~~SECTION 3.03. ABSENCE OF MANAGER.~~

14 ~~Commencing with the election of Mayor in 1996, the~~
15 ~~Mayor, subject to the approval of the Commission, may~~
16 ~~designate a qualified administrative officer of the county to~~
17 ~~assume the duties and authority of the Manager during periods~~
18 ~~of temporary absence or disability of the Manager.~~

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

20 A. The County Comptroller shall establish the Office
21 of the Auditor General and shall do all things necessary to
22 ensure contract and financial compliance with procurement
23 decisions made by the county and third parties in privity by
24 the County. The County Comptroller shall have staff and
25 offices necessary for the execution of these responsibilities.
26 ~~Commencing with the election of Mayor in 1996, the Manager~~
27 ~~shall be responsible for the administration of all units of~~
28 ~~the county government under the Manager's jurisdiction, and~~
29 ~~for carrying out policies adopted by the Commission. The~~
30 ~~Manager, or such other persons as may be designated by~~
31 ~~resolution of the Commission, shall execute contracts and~~

1 ~~other instruments, sign bonds and other evidences of~~
2 ~~indebtedness, and accept process.~~

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

26 C. The County Comptroller shall be the County's
27 liaison to the Commission on Ethics and Public Trust and shall
28 be responsible for funding the operations and administration
29 of the Commission on Ethics and Public Trust.
30
31

- 1 SECTION 5.01 ~~4.01~~. OFFICES OF THE DEPUTY COUNTY MAYORS
2 DEPARTMENTS. The County Administration shall be organized into
3 five service offices each headed by a Deputy County Mayor.
4 The County Mayor shall nominate a Deputy County Mayor for each
5 of the service offices of Public Safety, Planning and
6 Infrastructure, Transportation and Economic Development, Human
7 Services, and Governmental Operations. A majority vote of the
8 County Commission shall be required for confirmation of any
9 nominee for a Deputy County Mayor. Each Deputy County Mayor
10 shall have responsibility for a cluster of related
11 departments. Initially, the departments within the five
12 service offices shall be delineated as follows:
- 13 A. Within the Office of the Deputy County Mayor for
14 Public Safety, the departments of:
- 15 (1) Corrections and Rehabilitation.
16 (2) Emergency Management.
17 (3) Miami-Dade Fire Rescue.
18 (4) Medical Examiner.
19 (5) Miami-Dade Police.
20 (6) Youth Crime Task Force.
21 (7) Animal Control.
- 22 B. Within the Office of Deputy County Mayor for
23 Planning and Infrastructure:
- 24 (1) Department of Environmental Resources Management.
25 (2) Office of Water Management.
26 (3) Planning and Zoning.
27 (4) Public Works.
28 (5) Solid Waste.
29 (6) Water and Sewer.
30 (7) Building.
31 (8) Capital Improvement Coordination.

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

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

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

15 SECTION 5.02 ~~4.02~~. ADMINISTRATIVE PROCEDURE.

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

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

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

1 ~~B. On or before the date established by law, the~~
2 ~~Manager shall recommend to the Board a proposed budget~~
3 ~~presenting a complete financial plan, including capital and~~
4 ~~operating budgets, for the ensuing fiscal year. A summary of~~
5 ~~the budget shall be published and the Board shall hold~~
6 ~~hearings on and adopt a budget.~~

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

19 C.D. Contracts for public improvements and purchases
20 of supplies, materials, and services other than professional
21 shall be made whenever practicable on the basis of
22 specifications and competitive bids. Formal sealed bids shall
23 be secured by the procuring agent of the county for all such
24 contracts and purchases when the transaction involves more
25 than the minimum amount established by the Board of County
26 Commissioners by ordinance. The transaction shall be evidenced
27 by written contract submitted and approved by the procuring
28 agency of the county ~~Board~~. The Board, upon written
29 recommendation of the County Comptroller ~~Manager~~, may by
30 resolution adopted by two-thirds vote of the members present
31 waive competitive bidding when it finds this to be in the best

1 interest of the county. Any contract awarded on a no-bid basis
 2 must be open for formal competitive bidding within 6 months
 3 after the date of the award.

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

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

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

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

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

25 A. Beginning with the tax year 1961, the county tax
 26 rolls prepared by the county shall be the only legal tax rolls
 27 in this county for the assessment and collection of county and
 28 municipal taxes. Thereafter no municipality shall have an
 29 assessor or prepare an ad valorem tax roll. Each municipality
 30 shall continue to have the right to adopt its own budget, fix
 31 its own millage, and levy its own taxes. Each municipality

1 shall certify its levies to the County Mayor ~~Manager~~ not later
 2 than 30 days after the county tax rolls have been finally
 3 approved by the Board. Any municipality may obtain a copy of
 4 this tax roll upon payment of the cost of preparing such a
 5 copy, and copies of the tax rolls shall be available for
 6 public inspection at reasonable times. Maps showing the
 7 assessed valuation of each parcel of property may be prepared
 8 and made available for sale to the public at a reasonable
 9 price.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 SECTION 5.08 ~~4.08~~. BOARDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 ARTICLE - 7 ~~6~~

25 PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

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

29 SECTION 7.01 ~~6.01~~. POLICY.

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

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

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

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

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

1 security and fire facilities for the primary use of the park
2 system;

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

6 C. User-participation non-spectator recreation and,
7 playground facilities, golf courses and golf-course related
8 facilities, and bandstands and bandshells containing less than
9 1,000 spectator seats and athletic facilities, sports fields
10 and arenas containing less than 3,000 spectator seats;

11 D. Facilities for marinas, sightseeing and fishing
12 boats, visiting military vessels, and fishing;

13 E. Park signage and appropriate plaques and monuments;

14 F. Rest rooms;

15 G. Fountains, gardens, and works of art;

16 H. Park service facilities, senior, day care and
17 pre-school facilities, small nature centers with not more than
18 one classroom;

19 I. Film permits, temporary fairs, art exhibits,
20 performing arts, concerts, cultural and historic exhibitions,
21 regattas, athletic contests and tournaments, none of which
22 require the erection of permanent structures;

23 J. Advertising in connection with sponsorship of
24 events or facilities in the park, provided however all such
25 facilities and uses are compatible with the particular park
26 and are scheduled so that such events do not unreasonably
27 impair the public use of the park or damage the park.

28 K. Programming partnerships with qualified federally
29 tax exempt not-for-profit youth, adult, and senior cultural,
30 conservation, and parks and recreation program providers;

31

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

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

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

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

8 SECTION 7.04 ~~6.04~~. JURISDICTION.

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

18
 19 ARTICLE - 8 7

20
 21 INITIATIVE, REFERENDUM, AND RECALL

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

1 SECTION 8.02 ~~7.02~~. RECALL.

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

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

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

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

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

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

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

31

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

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

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

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

31 SECTION 9.02 ~~8.02~~. RESERVED.

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

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

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

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

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

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

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

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

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

31

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

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

12 SECTION 9.07 ~~8.07~~. AMENDMENTS.

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

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

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

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

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

6 SECTION 9.08 ~~8-08~~. REVISIONS.

7 At least once in every 5 year period the Board shall
8 review the Charter and determine whether or not there is a
9 need for revision. If the Board determines that a revision is
10 needed, it shall establish a procedure for the preparation of
11 a proposed revision of the Charter. The proposed revision
12 shall then be presented to the Board for review, modification
13 and approval. If the Board approves such proposed revision,
14 either with or without modification, it shall present such
15 proposed revision to the electorate in accordance with the
16 provisions of Section 9.07 ~~8-07~~ (C) and (D). Simultaneous
17 elections may be held on a proposed revision and on individual
18 amendments that are proposed.

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

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

23

24 ARTICLE - 10 ~~9~~

25

26 NAME OF COUNTY

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

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

31

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

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

5

6 ARTICLE - 11

7

8 SEVERABILITY

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

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

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

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PROPOSED REVISION OF THE DADE COUNTY HOME RULE CHARTER.

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

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

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

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