

By the Committee on Community Affairs; and Senator Garcia

578-03173-11

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors; providing requirements for a bill proposing such a special law.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and

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30 special districts of the state, their powers, jurisdiction and
31 government.

32 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
33 office when this article becomes effective shall continue in
34 office for the remainder of the term if that office is not
35 abolished. If the office is abolished the incumbent shall be
36 paid adequate compensation, to be fixed by law, for the loss of
37 emoluments for the remainder of the term.

38 (d) ORDINANCES. Local laws relating only to unincorporated
39 areas of a county on the effective date of this article may be
40 amended or repealed by county ordinance.

41 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
42 10, 11 and 24, of the Constitution of 1885, as amended, shall
43 remain in full force and effect as to each county affected, as
44 if this article had not been adopted, until that county shall
45 expressly adopt a charter or home rule plan pursuant to this
46 article. All provisions of the Miami-Dade Metropolitan Dade
47 County Home Rule Charter, heretofore or hereafter adopted by the
48 electors of Miami-Dade Dade County pursuant to Article VIII,
49 Section 11, of the Constitution of 1885, as amended, shall be
50 valid, and any amendments to such charter shall be valid;
51 provided that the said provisions of such charter and the said
52 amendments thereto are authorized under said Article VIII,
53 Section 11, of the Constitution of 1885, as amended. However,
54 notwithstanding any provision of Article VIII, Section 11, of
55 the Constitution of 1885, as amended, or any limitations under
56 this subsection, the Miami-Dade County Home Rule Charter may be
57 amended or revised by special law approved by the electors of
58 Miami-Dade County and, if approved, shall be deemed an amendment

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59 or revision of the charter by the electors of Miami-Dade County.
 60 A bill proposing such a special law must be approved at a
 61 meeting of the local legislative delegation and filed by a
 62 member of that delegation.

63 (f) MIAMI-DADE ~~DADE~~ COUNTY; POWERS CONFERRED UPON
 64 MUNICIPALITIES. To the extent not inconsistent with the powers
 65 of existing municipalities or general law, the Metropolitan
 66 Government of Miami-Dade ~~Dade~~ County may exercise all the powers
 67 conferred now or hereafter by general law upon municipalities.

68 (g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
 69 shall have power, by joint resolution, to delete from this
 70 article any subsection of this Section 6, including this
 71 subsection, when all events to which the subsection to be
 72 deleted is or could become applicable have occurred. A
 73 legislative determination of fact made as a basis for
 74 application of this subsection shall be subject to judicial
 75 review.

76 BE IT FURTHER RESOLVED that the following statement be
 77 placed on the ballot:

78 CONSTITUTIONAL AMENDMENT

79 ARTICLE VIII, SECTION 6

80 AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME RULE
 81 CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—Authorizes
 82 amendments or revisions to the Miami-Dade County Home Rule
 83 Charter by a special law when the law is approved by a vote of
 84 the electors of Miami-Dade County. A bill proposing such a
 85 special law must be approved at a meeting of the local
 86 legislative delegation and filed by a member of that delegation.
 87 It also conforms references in the State Constitution to reflect

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88 the county's current name.