

By the Committees on Rules; and Community Affairs; and Senator Garcia

595-05165-11

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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; authorizing the Miami-Dade County charter to provide for fixed term limits of commissioners.

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

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30 of county officers; the performance of municipal functions by
31 county officers; the county seats; and the municipalities and
32 special districts of the state, their powers, jurisdiction and
33 government.

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

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42 amended or repealed by county ordinance.

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

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59 special law approved by the electors of Miami-Dade County and,
 60 if approved, shall be deemed an amendment or revision of the
 61 charter by the electors of Miami-Dade County. A bill proposing
 62 such a special law must be approved at a meeting of the local
 63 legislative delegation and filed by a member of that delegation.
 64 The charter may provide for fixed term limits of Miami-Dade
 65 County Commissioners.

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

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

79 BE IT FURTHER RESOLVED that the following statement be
 80 placed on the ballot:

81 CONSTITUTIONAL AMENDMENT

82 ARTICLE VIII, SECTION 6

83 AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME RULE
 84 CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—Authorizes
 85 amendments or revisions to the Miami-Dade County Home Rule
 86 Charter by a special law when the law is approved by a vote of
 87 the electors of Miami-Dade County. A bill proposing such a

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88 special law must be approved at a meeting of the local
89 legislative delegation and filed by a member of that delegation.
90 It also conforms references in the State Constitution to reflect
91 the county's current name and states that the charter may
92 provide for fixed term limits of Miami-Dade County
93 Commissioners.