

House 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 Miami-Dade County Home Rule Charter by a special law approved by the electors of Miami-Dade County; restricting the introduction of a bill proposing such a special law; providing that the charter may impose fixed term limits on county commissioners; conforming references to reflect the current name of Miami-Dade County.

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

HJR 521

2015

27 | article becomes effective is recognized and shall be continued
28 | until changed in accordance with law: the counties of the state;
29 | their status with respect to the legality of the sale of
30 | intoxicating liquors, wines and beers; the method of selection
31 | of county officers; the performance of municipal functions by
32 | county officers; the county seats; and the municipalities and
33 | special districts of the state, their powers, jurisdiction and
34 | government.

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

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43 | article may be amended or repealed by county ordinance.

44 | (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections
45 | 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall
46 | remain in full force and effect as to each county affected, as
47 | if this article had not been adopted, until that county shall
48 | expressly adopt a charter or home rule plan pursuant to this
49 | article. All provisions of the Miami-Dade ~~Metropolitan Dade~~
50 | County Home Rule Charter, heretofore or hereafter adopted by the
51 | electors of Miami-Dade ~~Dade~~ County pursuant to Article VIII,
52 | Section 11, of the Constitution of 1885, as amended, shall be

53 | valid, and any amendments to such charter shall be valid;
 54 | provided that the said provisions of such charter and the said
 55 | amendments thereto are authorized under said Article VIII,
 56 | Section 11, of the Constitution of 1885, as amended. However,
 57 | notwithstanding any provision of Article VIII, Section 11, of
 58 | the Constitution of 1885, as amended, or any limitations under
 59 | this subsection, the Miami-Dade County Home Rule Charter may be
 60 | amended or revised by special law approved by the electors of
 61 | Miami-Dade County and, if approved, shall be deemed an amendment
 62 | or revision of the charter by the electors of Miami-Dade County.
 63 | A bill proposing a special law to amend or revise the Miami-Dade
 64 | County Home Rule Charter may be filed only by a legislator whose
 65 | senatorial or representative district includes part of Miami-
 66 | Dade County, and such filing must be approved by a majority of
 67 | senators whose senatorial districts include part of Miami-Dade
 68 | County and a majority of members of the house of representatives
 69 | whose representative districts include part of Miami-Dade
 70 | County. The Miami-Dade County Home Rule Charter may provide for
 71 | fixed term limits of Miami-Dade County Commissioners.

72 | (f) MIAMI-DADE ~~DADE~~ COUNTY; POWERS CONFERRED UPON
 73 | MUNICIPALITIES. To the extent not inconsistent with the powers
 74 | of existing municipalities or general law, the Metropolitan
 75 | Government of Miami-Dade ~~Dade~~ County may exercise all the powers
 76 | conferred now or hereafter by general law upon municipalities.

77 | (g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
 78 | shall have power, by joint resolution, to delete from this

HJR 521

2015

79 | article any subsection of this Section 6, including this
80 | subsection, when all events to which the subsection to be
81 | deleted is or could become applicable have occurred. A
82 | legislative determination of fact made as a basis for
83 | application of this subsection shall be subject to judicial
84 | review.

85 | BE IT FURTHER RESOLVED that the following statement be
86 | placed on the ballot:

87 | CONSTITUTIONAL AMENDMENT

88 | ARTICLE VIII, SECTION 6

89 | AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME RULE
90 | CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—This proposed
91 | amendment authorizes revisions or amendments to the Miami-Dade
92 | County Home Rule Charter by a special law approved by the
93 | electors of Miami-Dade County and requires that a bill proposing
94 | such a special law be approved by the county's legislative
95 | delegation and filed by a member thereof.

96 | It also provides that the charter may impose fixed term
97 | limits for county commissioners and conforms historical
98 | references to reflect the county's current name.