

By Senator Garcia

38-00741-15

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such a special law; providing that the charter may impose fixed term limits on county commissioners; conforming historical references to reflect the current name of Miami-Dade County.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

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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 unincorporated
42 areas of a county on the effective date of this article may be
43 amended or repealed by county ordinance.

44 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
45 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 Article VIII, Section 11, of the Constitution of
58 1885, as amended, or any limitations under this subsection, the

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59 Miami-Dade County Home Rule Charter may be amended or revised by
 60 special law approved by the electors of Miami-Dade County and,
 61 if approved, becomes an amendment or revision of the charter by
 62 the electors of Miami-Dade County. A bill proposing a special
 63 law to amend or revise the Miami-Dade County Home Rule Charter
 64 may be filed only by a member of the Miami-Dade County
 65 legislative delegation, and such filing must be approved by a
 66 majority of the members of the Miami-Dade County legislative
 67 delegation in each house of the Legislature. The Miami-Dade
 68 County Home Rule Charter may provide for fixed term limits of
 69 Miami-Dade County Board of County Commissioners.

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

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

83 BE IT FURTHER RESOLVED that the following statement be
 84 placed on the ballot:

85 CONSTITUTIONAL AMENDMENT
 86 ARTICLE VIII, SECTION 6
 87 AUTHORIZING REVISIONS TO MIAMI-DADE COUNTY HOME RULE

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88 CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—This proposed
89 amendment authorizes revisions or amendments to the Miami-Dade
90 County Home Rule Charter by a special law approved by the
91 electors of Miami-Dade County and requires that a bill proposing
92 such a special law be approved by the local legislative
93 delegation and filed by a member thereof.

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