

MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Redistricting Subcommittee

Board of County Commissioners

Stephen P. Clark Government Center
Conference Room 18-4
111 N.W. First Street
Miami, Florida 33128

March 30, 2011
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Diane Collins, Division Chief
Clerk of the Board Division

Flora Real, Commission Reporter
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**CLERK'S SUMMARY AND OFFICIAL MINUTES
MIAMI-DADE REDISTRICTING SUBCOMMITTEE
MEETING OF MARCH 30, 2011**

The Miami-Dade Redistricting Subcommittee convened at the Stephen P. Clark Government Center, 111 N.W. 1st Street, Conference Room 18-4, Miami, Florida, on March 30, 2011, at 1:15 p.m. There being present Chairwoman Audrey Edmonson, Commissioner Bruno Barreiro, Commissioner Jose "Pepe" Diaz, and Commissioner Sally Heyman (Commissioner Dennis Moss was excused).

In addition to the members of the subcommittee, the following staff members were also present: Assistant County Attorney Randy Duvall, Assistant County Attorney Oren Rosenthal, Department Director Marc LaFerrier, Division Chief Manuel Armada, Senior Planner Kimberly Brown, and Deputy Clerk Flora Real.

1C ROLL CALL

1D OPENING REMARKS FROM CHAIRWOMAN EDMONSON

Chairwoman Edmonson welcomed Mr. Marc LaFerrier, representing the Miami-Dade Planning and Zoning Department, Miami-Dade Assistant County Attorneys Randy Duvall and Oren Rosenthal, and colleagues for attending the meeting.

1E REPORTS

1E1 REPORT

**ORAL REPORT RE: SUBCOMMITTEE ROLE AND MEETING
SCHEDULE – STAFF PRESENTATION**

Department Director Marc LaFerrier commented this was the first meeting of the Miami-Dade Redistricting Subcommittee, which had been established by the Chair of the Board of County Commissioners. He presented an overall explanation of the role of this subcommittee, noting it had been assigned to oversee the redistricting process of the county commission districts, conduct public meetings, hear presentations by redistricting experts, receive updates on the public outreach process, and review draft redistricting plans. He noted that a redistricting process was required every ten (10) years after the release of the Census data.

Mr. LaFerrier advised that a resolution enacted in 2004 outlined the role of this subcommittee, set forth the criteria for redistricting, and established the requirement of a Citizens Advisory Board (CAB). He noted that the purpose of today's meeting was to provide an overall orientation of the redistricting process and timelines. He noted the process should be completed within the next eight months in order to allow potential candidates running in the August 2012 election to meet the six month residency requirement. He noted the Planning and Zoning Department (PZD) intended to present a recommended proposal to the Board of County Commissioners by November 2011; therefore, an accelerated timeline was prepared for that purpose. He further noted that PZD was requesting authorization to solicit the assistance of a consultant.

Following the introduction of staff members, Mr. LaFerrier noted that his department prepared a comprehensive project outline package for today's meeting, which would be

disseminated to all members of the County Commission. He explained the agenda package contained the timelines for the redistricting process, the initial 2010 Census data information to be presented today, maps and aerial photos of the existing County Commission district boundaries.

Mr. LaFerrier advised that the redistricting resolution required each member of the Board of County Commission to appoint a member to CAB. The purpose of CAB was to provide assistance to the County Commission in the drafting of a redistricting plan, participate in the public outreach process, and prepare a recommendation for this body's review.

Following a brief discussion regarding the timeline for the appointments to CAB, Mr. LaFerrier noted the Chairman of the Board had written a memorandum requesting that each county commissioner appoint a member to CAB at the Board of the County Commissioners' meeting scheduled for April 4, 2011.

Mr. LaFerrier presented an overview on the procurement process to contract a field expert to assist and represent the department, if challenged, as in past redistricting processes. He advised the procurement process required a Request For Qualifications (RFQ) be advertised, and the procurement process would be initiated by next week. He noted that the RFQ was prepared under the advice of the Department of Procurement Management (DPM) and the County Attorney's Office. He stated the responses to the RFQ would be presented before this subcommittee to have the consultants ranked and have two candidates recommended to the Board of County Commissioners for final selection; and based on the number of responses received, presentations would be made before this subcommittee.

Mr. LaFerrier requested that his department be allowed a certain amount of independence in the work to be carried, and they would work closely with the consultant to ensure this body was properly staffed and the work flow was complete and accurate. He advised that the expertise and the facilitation of public hearings would be primarily conducted by the selected consultant after the procurement process.

Following a brief discussion regarding the feasibility of circumventing the selection process due to the scarcity of expertise in this field, Assistant County Attorney Oren Rosenthal advised that the competitive process for the professional services portion of the contract could be waived; but not the entire contract. He advised the process developed in conjunction with the Department of Procurement Management (DPM) for this purpose was a truncated, streamlined process and did not allow appeals. Consequently, this subcommittee would act as the selection committee, make a recommendation to the full Board, and be able to participate in the final selection as members of the Board of County Commissioners.

Mr. LaFerrier explained the timeline for the RFQ and redistricting process, noting staff had hoped the consultants could make their proposal presentations before this body in May 2011 in order to have the County Commission make the final consultant selection at the May 17, 2011, the Board of County Commissioners' meeting, and have a contract negotiated with the consultant by June 2011. He noted that this subcommittee would meet again in June 2011 to consider the consultant's presentation in regards to the project scope, approach, methodology, and initial comments on the drafting of the proposed plan. In July 2011, this body would meet to consider

an oral report regarding the consultant's public outreach plan and the working draft for the redistricting plans. During the month of September 2011, this subcommittee would consider a summary report on the consultant's public outreach findings and the working draft recommendations for various redistricting plans. In October 2011, this body would meet to consider the consultant's final proposed redistricting plans, ordinance providing new boundaries for county commission districts, and draft evaluation for precinct boundary revisions, and prepare a final recommendation for presentation before the Board of County Commissioners. He noted that voter precincts would be redrawn as part of an administrative type task.

Mr. LaFerrier advised that community meetings would be scheduled in 13 different locations of the community during the months of July and August 2011 following the subcommittee decision on what should be presented to the public. He advised the public forums would be held with the intent to explain to the public the redistricting process, provide Census data and demographic information about the County, and propose redistricting plans.

Mr. LaFerrier introduced Mr. Manuel Armada to present the redistricting criteria and 2010 Census data. He noted that the Census data provided the required documentation to make the redistricting changes.

1E2 REPORT

ORAL REPORT RE: REDISTRICTING CRITERIA, DATA AND TIMELINE -- STAFF PRESENTATION

Mr. Manuel Armada, Chief Planning Research Division, Department of Planning and Zoning, presented an overview report on the findings of the 2010 Census data information and the County's demographic changes over the last ten years. He advised that under the provisions of Public Law 94-171, the United States Census Bureau provided the criteria necessary to conduct the Census for population counts for all areas within each state. He advised the 2010 Census results indicated the County had an increased population of 243,073 persons during the last ten years, representing an average growth rate of 10.8%. He noted the population percentage growth changes ranged from -3.0% to 33.1%. County Commission Districts 4, 5, 7, 8, 9, 11, 12, and 13 had population growth rates greater than 10% while County Commission Districts 1, 3, and 6 had grown between 2.5% and 7%. Consequently, it was necessary to make county commission district boundary changes; and those changes would be made with the assistance of consultant.

Mr. Armada advised County Commission Districts 10 and 2 had a population decrease of 3.0% and 1.6%, respectively. He also noted that the county commission districts with the highest population growth were Commission District 9 with a population increase of 57,207 persons or 33.1%, followed by Commission District 11 with a population increase of 36,263 persons or 20.4%, and Commission District 12 with a population increase of 29,497 persons or 17.2%. He noted that County Commission Districts 9, 11, and 12 accounted for 51% of the total population growth in Miami-Dade County and caused a population shift to the west and south of the County.

Mr. Armada continued to review the population growth rates of the remaining county commission districts, and the ethnicity distribution of each district. He noted the number of

Hispanic persons increased in all commission districts of the County, and the Hispanic share in the total population increased from 57.3% in 2000 to 65% in 2010.

Mr. Armada reviewed the 2010 Census findings listed in Figure 4 and Table 2 of Appendix 3 of the agenda package for the Hispanic population, noting the largest concentration of Hispanics was identified in Commission Districts 11 and 12 with 179,284 and 178,220 persons, respectively. He advised the Hispanic population between county commission districts increased at a varying rate between 7% to 71% with Commission Districts 5, 6, 7, 8, 9, 11, 12, and 13 having majority Hispanic population. County Commission Districts 1 and 2 had the smallest Hispanic population. He stated that the County had experienced a total Hispanic population growth of 332,122 persons or 25%.

Mr. Armada reviewed the 2010 Census findings listed in Table 4 and Table 6 of Appendix 3 of the agenda package for the Not Hispanic Black population, noting that in year 2000 the County had three commission districts with a majority population of Not Hispanic Blacks, which were County Commission District 1 with 63.7%, County Commission District 2 with 61.7%, and County Commission District 3 with 52.8%. He noted that the total Not Hispanic Black population had declined by 1,490 persons or 3%. In 2010, only two county commission districts remained with majority Not Hispanic Black population. He advised that County Commission District 3 experienced a population share decline from 52.8% to 46.2%, and County Commission District 5 had an increase of 67% in the Black population. County Commission Districts 8 and 4 had a Not Hispanic Black population growth of 34.5% and 21.6%, respectively. County Commission District 3 experienced a decrease of 9,253 persons in the Not Hispanic Black population, Commission District 2 lost 2,342 persons in the Not Hispanic Black population, and County Commission District 13 lost 1,726 persons in the Not Hispanic Black population.

Discussion ensued in regards to the availability of information on the percentages of ethnic growth and decline rates.

Mr. Armada reviewed the 2010 Census findings listed in Table 3 of Appendix 3 of the agenda package for Not Hispanic Whites, noting there were no districts in 2000 with majority of Not Hispanic Whites; and in 2010, there was still no county commission districts with a majority population of Not Hispanic Whites. He stated the 2010 Census data reflected a total loss in population of 82,221 persons or 17.7%. He advised that there had been an increased percentage change in population for County Commission Districts 3 and 5 of 5.7% and 7.3%, respectively. County Commission Districts 1 and 10 had the largest percentage loss in population of 41.6% and 41.3%, respectively. County Commission Districts 2 and 13 had showed a population percentage loss of approximately 38%. The share percentage rate in total population for Not Hispanic White persons was reduced from 20.7% in 2000 to 15.4% in 2010.

Mr. Armada reviewed the 2010 Census findings listed in Table 7 of Appendix 3 of the agenda package for population under 18 years old, noting that segment of the population had decreased by a total of 13,485 persons or 2.4%. County Commission Districts 1, 2, 3, and 10 experienced a total percentage decrease of more than 10% in that segment of the population. County Commission Districts 4 and 9 experienced a total percentage increase of more than 10%.

Mr. Armada opened the floor to questions and answers.

Commissioner Barreiro requested that software applications and any online tools used to assist in determining district composition, such as maps and Census data, should be made accessible to Board members.

Commissioner Heyman requested that municipality boundaries be given consideration when determining the district boundaries, particularly on the east side of the County.

In response to Commissioner Barreiro's inquiry, Assistant County Attorney Duvall advised that traditional redistricting factors and principles were applicable under case law and Miami-Dade County's Home Rule Charter. He noted that administrative districts, precincts, and municipal boundaries should all be taken into consideration when redistricting commission districts.

Mr. LaFerrier noted county commission boundaries should be determined by taking advantage of available programs or commonalities present in a community, defining communities of interest, and preventing bifurcation of communities of interest in the redistricting process. He advised that software applications capable of merging Census data with Miami-Dade County's GIS data would be utilized to assist in developing county commission district boundaries and in making any required adjustments. He noted that a website would be created to keep the public informed about boundary proposals.

**1E2 REPORT
ORAL REPORT RE: REDISTRICTING CRITERIA, DATA AND
TIMELINE -- STAFF PRESENTATION**

Assistant County Attorney Randy Duvall explained the criteria and legal process for redistricting, noting that litigation was anticipated in a redistricting process. He explained this was primarily a political, legislative process; and the courts had been inclined in the past to take the position that any judicial review of this process was a very serious intrusion upon the political and legislative prerogatives. He stated that the redistricting process was driven by the "one person-one vote" philosophy, which had been constituted, and it required a numerical, quantitative analysis of each of these county commission districts to ensure each of the districts had an equal population distribution with some deviation allowed to accommodate legitimate, legislative concerns.

Assistant County Attorney Duvall reviewed the Meek case and the impact of the court's ruling on redistricting decisions, noting district compacting was important. He advised that in the Meek case it was determined that existing at-large systems had the effect of diluting the voting rights of protected minority groups such as Hispanics and African-Americans. The court found that there was keen hostility between the Hispanic and African-American voters such that coalitions were formed with the Not-Hispanic White voters in a manner that resulted in the regularly defeat of the preferred candidates.

Assistant County Attorney Duvall advised that in a single member districting scheme traditional redistricting principles needed to be observed; however, the committee needed to be conscious of and consider race when making district boundary determinations. He advised that the County would be able to create reasonably compact majority/minority county commission districts in areas found to have statistically significant racially polarized voting if they did not subordinate to traditional redistricting principles. Otherwise, race cannot be the predominant factor utilized by the County Commission in determining the boundaries of the county commission district boundaries.

Assistant County Attorney Duvall explained the traditional redistricting principles and noted those principles were as follows:

1. keep the districts compact and not bizarre in shape;
2. ensure the districts were contiguous;
3. keep communities of interest together whether the shared interest was ethnic or economical; and
4. consider political considerations to accommodate incumbency protection and geographical features.

Assistant County Attorney Duvall opened the floors to questions.

In response to Commissioner Diaz's inquiry, Assistant County Attorney Duvall advised that some of the Charter amendment proposals submitted included recommendations to reduce the number of county commission seats and the addition of two at-large seats among others. He advised that at-large county commission districts were not illegal; however, this proposal would be challenged in court if racially polarized voting was discovered.

Assistant County Attorney Duvall commented that the court had already rejected a proposal recommending at-large regional county commission districts being superimposed on the smaller districts on the basis that it would dilute the vote and it would not offer an opportunity for candidates to effectively campaign in an at-large district.

Discussion ensued in connection with the recommendation of adding at-large county commission districts.

Commissioner Diaz asked to meet with Assistant County Attorney Duvall to receive detailed information on the history of the redistricting process and the legal ramifications.

In response to Commissioner Diaz's inquiry relating to whether the redistricting process could be delegated, Assistant County Attorney Duvall advised the authority could be delegated; however, this was a legislative, political process with judicial constraints in the periphery.

In connection with Commissioner Barreiro's inquiry, Assistant County Attorney Duvall responded the issue of establishing at-large county commission districts could be decided by referendum.

Commissioner Barreiro recommended that the issue of establishing at-large county commission districts be carefully reviewed inasmuch as minority representation and participation could be accomplished by other means.

Assistant County Attorney Duvall clarified that the intent of this subcommittee was to redistrict the county commission district boundaries within the existing structure.

In response to Commissioner Diaz's inquiry, Assistant County Attorney Duvall advised that the manner in which the county commission districts were redistricted could be accomplished through a Home Rule Charter amendment.

Following a brief discussion regarding the timeline to complete the redistricting process, Assistant County Attorney Duvall reiterated that the process was driven by the 2012 general election in order to allow sufficient time for potential candidates to meet the qualification requirements.

Following a brief discussion about changes in the redistricting process, Assistant County Attorney Duvall noted that an intervening charter amendment or a legal challenge.

Discussion ensued in connection with the consequences of not meeting the deadlines and how the redistricting process would be impacted if challenged in court.

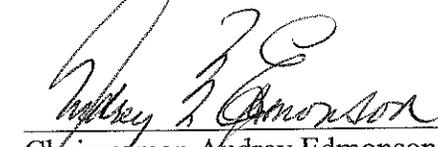
In response to Commissioner Barreiro's request, Mr. Armada advised that he would provide to all members of the Board the number of livable units in each county commission district as reported in the 2010 Census data. He noted that the Census counted the owners of vacant units if the owners lived in the units for more than six months; however, the data did not include the owners of seasonal units. He noted that only the resident population was used for the redistricting process, which meant any person living in Miami-Dade County more than six months of the year; and that children residing in universities located outside of Miami-Dade County were excluded in the Census population count.

Commissioner Heyman commented that a backup plan was needed in the event all of the necessary appointments to the Citizens Advisory Committee were not made in a timely.

Chairwoman Edmonson advised that a memorandum would be sent out in regards to that situation.

ADJOURNMENT

There being no further business to come before the Miami-Dade Redistricting Subcommittee, the meeting was adjourned at 2:38 p.m.



Chairwoman Audrey Edmonson
Miami-Dade Redistricting Subcommittee



Miami-Dade Redistricting Subcommittee
March 30, 2011

Prepared by: Flora G. Real

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	03/30/2011		Agenda
2	03/30/2011		Roll Call Sheet
3	03/30/2011		Memorandum from Commissioner Moss RE: Absence
4	03/30/2011		Signing In Sheet
5	03/30/2011		Project Outline Package
6	03/30/2011		Memorandum dated 01/27/11 from Chairman Martinez RE: Census/Redistricting Committee
7	03/30/2011		Memorandum dated 03/17/11 from Chairman Martinez RE: Redistricting Committee
8	03/30/2011		Schedule and Agenda
9	03/30/2011		Chart RE: Miami-Dade County 2011 Redistricting Timeline
10	03/30/2011		2011 Commission Redistricting Procurement Timeline
11	03/30/2011		2010 Census Data/Demographics of Commission Districts in Miami-Dade
12	03/30/2011		USC Title 42
13	03/30/2011		Miami-Dade County Home Rule Amendment and Charter
14	03/30/2011		Carrie Meek, etal v. Metropolitan Dade County, etal - Case No. 89-5146 (United States Court of Appeals), 11 th Circuit
15	03/30/2011		Miami-Dade County Resolution No. R-511-04
16	03/30/2011		Aerial Photographs (See original file)

Miami-Dade Redistricting Subcommittee Agenda
PRELIMINARY Version
Wednesday, March 30, 2011
1:00 PM
Conference Room 18-4

*Audrey Edmonson (3), Chairperson; Commissioners Bruno A. Barreiro (5); José "Pepe" Diaz (12);
Sally A. Heyman (4); and Dennis C. Moss (9)*

1C ROLL CALL

1D OPENING REMARKS FROM CHAIR EDMONSON

1E REPORTS

1E1 REPORT

ORAL REPORT RE: SUBCOMMITTEE ROLE AND MEETING SCHEDULE – STAFF
PRESENTATION

1E2 REPORT

ORAL REPORT RE: REDISTRICTING CRITERIA, DATA AND TIMELINE – STAFF
PRESENTATION

1E3 REPORT

ORAL REPORT RE: CONSULTANT SERVICES – STAFF PRESENTATION

1F DISCUSSION

ADJOURNMENT

REDISTRICTING SUBCOMMITTEE
Roll Call Sheet for 3/30/2011

Start: 1:15 p.m.
 End: p.m.

MEMBER	PRESENT	LATE	ABSENT
Commissioner Barreiro	✓		
Commissioner Diaz	✓		
Commissioner Heyman	✓		
Commissioner Moss	Excused (memo)		
Chairwoman Edmonson	✓		
Staff:			
Assistant County Manager Susanne Torriente			✓
Assistant County Attorney Randy Duvall	✓		
Assistant County Attorney Rosenthal	✓		

Director Marc LaFerner
 Deputy Clerk Flora Real

NOTE: Four (4) members constitute a quorum



MEMORANDUM

OFFICE OF COMMISSIONER DENNIS C. MOSS

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS

Downtown Office
111 NW 1st Street, Suite 220
Miami, Florida 33128
(305) 375-4832 | Fax (305) 372-6011

District North Office
10710 SW 211th Street, Suite 206
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1634 NW 6th Avenue
Florida City, Florida 33034
(305) 245-4420 | Fax (305) 245-5008

Date: March 30, 2011

To: Honorable Audrey Edmonson, Chairwoman
Redistricting Committee

From: Honorable Dennis C. Moss, Commissioner
Miami-Dade County Board of County Commissioners, District 9

A handwritten signature in black ink, appearing to read "Dennis C. Moss".

Re: **Absence from Redistricting Committee Meeting**

Please be advised that due to unforeseen circumstances, I am unable to attend the Redistricting Committee meeting scheduled for March 30, 2011. My apologies for any inconvenience this may cause.

Thank you for your understanding.
DCM/cjb

Cc: Diane Collins, Clerk of the Board

SIGN IN:

Natalie Milian	- Chair's office
Bonnie Michaels	- Commissioner Heyman's office
Ryan Hawkins	- Com. Jordan
Gerard PHILIPPEAUX	- Comm. Edmunson
Loreta M. Sanchez	- Comm. Barreiro
Maria Liviano Cruz	- Comm. Diaz
Belllys Romay	- Comm. Diaz
Erica Wright	- Vice Chairwoman Edmunson's office
ERIC SILVA	Planning + Zoning
Bob Schwarzwald	" "
Johanna Faddis	- Commissioner Bell's Office
Xavier Pichs	Elections.
CAROLINA LOPEZ	- Elections Department
Guillermo Olmedillo	Self
FRED Simmons Jr	Dept. of Procurement Mgt.
Yusef Armada	Dept. of Planning & Zoning
Guillermo Cuadra	Chair's Office

MIAMI-DADE COUNTY 2011 REDISTRICTING
PROJECT OUTLINE

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II. REDISTRICTING PROCESSPage 4

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IV. BACKGROUND (MIAMI-DADE COUNTY).....Page 9

APPENDIX 1: REDISTRICTING MEMORANDUMS

- 1) MEMO DATED JANUARY 27, 2011 ESTABLISHING THE REDISTRICTING SUBCOMMITTEE
- 2) MEMO DATED MARCH 17, 2011 OUTLINING THE ROLE OF THE REDISTRICTING SUBCOMMITTEE

APPENDIX 2: AGENDAS AND TIMELINES

- 1) REDISTRICTING SUBCOMMITTEE – DRAFT SCHEDULE AND AGENDA
- 2) REDISTRICTING TIMELINE
- 3) PROCUREMENT TIMELINE

APPENDIX 3: CENSUS DATA

- 1) 2010 CENSUS DATA REPORT
- 2) DISTRICT MAPS

APPENDIX 4: REFERENCE INFORMATION

- 1) VOTING RIGHTS ACT
- 2) MIAMI-DADE CHARTER
- 3) MEEK V. DADE COUNTY
- 4) RESOLUTION R-511-04

I. PROJECT COMPONENTS

Redistricting Subcommittee:

As outlined in the Chairman's memo dated March 17, 2011, the Redistricting Subcommittee will be tasked with overseeing the redistricting process, conducting public meetings, hearing presentations by redistricting experts, receiving updates on the public outreach process and reviewing draft redistricting plans. It is anticipated that the Redistricting Subcommittee will meet approximately six times between March and October, 2011. A draft schedule is shown in Appendix 2.

Citizen Advisory Board:

The role of the Citizens Advisory Board is outlined in Resolution R-511-04 (*Appendix 4*). The resolution requires creation of the 13-member Board for the purpose of assisting the Commission in the drafting of a redistricting plan, participating in the public outreach process and providing the Commission with a written report containing its recommendation and comments on each plan and/or report. In the memo dated March 17, 2011, the Chairman requested that each Commissioner appoint a member to the Citizens Advisory Board at the April 4, 2011 meeting of the Board of County Commissioners.

Consultant:

There are several tasks in the redistricting process that require specialized expertise. It is anticipated that the following two Redistricting experts will be required to assist with the redistricting effort:

- Redistricting Facilitator – will assist with general facilitation of the redistricting process, mapping services and public outreach. The Facilitator will also work closely with the Redistricting Analysis Consultant.
- Redistricting Analysis Expert – will analyze the redistricting plans for compliance with Section 2 of the Voting Rights Act. This includes testing for vote dilution and polarization.

The Consultants would also serve as expert witnesses if the redistricting process or results are challenged.

Timeline:

Federal requirements dictate that the district boundaries must be redrawn every ten years following the release of the updated Census information; however, there is no requirement for when the redistricting process must be complete.

According to the Miami-Dade Charter, potential candidates are required to live within the district boundary for no less than six months to qualify as a candidate. The draft redistricting timeline was prepared to allow potential candidates time to qualify within their districts prior to the August, 2012 election. The proposed timeline, as shown in Appendix 2, allows for the completion of the process by January, 2012.

II. REDISTRICTING PROCESS

Summary of 2001 process:

- 1) Hired a Consultant to oversee the Redistricting/Reapportionment
- 2) Established the Redistricting Ad Hoc Subcommittee: members included Gwen Margolis (4), Chairperson, Commissioners Bruno A. Barreiro (5), Betty T. Ferguson (1), Katy Sorenson (8), Javier Souto (10) – met between September and November, 2001. Other Commissioners were invited to testify on the proposed plan
- 3) On November 15, 2001 the Board of County Commissioners adopted Ordinance 01-192 providing for new County Commission District boundaries.
- 4) Primary consideration was given to minimizing the total population deviation between districts while accommodating traditional redistricting principles, such as compactness, contiguity, communities of interest and incumbency protection
- 5) Ten regional meetings were held at various locations throughout the community
- 6) Media Releases: Please find below a short summary of the advertising effort.
 - Newspaper advertisements in The Miami Herald (including Neighbors Sections), El Nuevo Herald, Diario Las Americas, Haiti en Marche, Miami Times and several community circulators.
 - Press Releases were sent to Media outlets
 - Flyer notifications distributed through all Team Metro regional offices and Public Libraries.
 - Flyer mail outs were sent to Community Councils
 - Ads were presented in English, Spanish and Creole

Redistricting Factors (R-511-04):

Resolution R-511-04 (Appendix 4), as adopted by the Board of County Commissioners on April 27, 2004, set forth criteria and factors to be used in the redistricting process. Following is a summary of the redistricting criteria and factors from Resolution R-511-04:

- 1) **One-Person, One-Vote:** Compliance with one-person, one-vote requirement of the Equal Protection Clause of the Fourteenth Amendment. The population deviation between districts shall be minimized to the extent consistent with Section 2 of the Voting Rights Act and in compliance with traditional districting principles. R-511-04 specifies that the population deviation between districts shall not exceed ten percent (unless BCC explains necessity for doing so).
- 2) **Voting Rights Act.** Redistricting plan shall afford minority groups protected under Section 2 of the Voting Rights Act an equal opportunity to participate in the electoral process and to elect their preferred candidates.
- 3) **Traditional Districting Principles.** The district boundaries shall be drawn on the basis of geography and with respect for communities of interest, in accordance with the requirements of Section 1.03(B) of the Home Rule Charter. To the extent practical, the districts also should be reasonably compact, contiguous, respect political and administrative boundaries, minimize voter disruption and protect incumbent commissioners from running for election against another sitting commissioner.
- 4) **Advisory Board.** In the year preceding the release of federal decennial census, the BCC shall establish a 13-member citizens redistricting advisory board. Each Commissioner shall appoint one member – who shall not be a member of the BCC. The advisory board will work with the redistricting experts and staff to draft a redistricting plan. The written report of the advisory board should endeavor to explain the extent to which the proposed plan(s) and/or report(s) comport with the redistricting criteria and factors.
- 5) **Public Workshops.** Public redistricting workshops shall be commenced at various locations throughout the county to inform and elicit comments from the public concerning the redistricting process.

6) **Timeline Requirements.**

- Within twenty (20) days from the last public workshop the redistricting expert(s) shall provide the advisory board with any redistricting plan(s) (not to exceed three) and/or report(s) proposed by the expert(s) to the Commission.
- Within twenty (20) days from the receipt of any such plan(s) and/or report(s) the advisory board shall submit to the Commission a written report containing its recommendations and comments on each plan and/or report proposed by the expert(s). The recommendations and comments of the advisory board must be based upon the redistricting criteria and factors contained in section 1 of this resolution and must receive at least a majority vote of approval from the members of the advisory board.
- Adoption of Redistricting Plan by County Commission. The County Commission shall perform its political and legislative redistricting responsibilities under Section 1.03(B) of the Home Rule Charter in accordance with the criteria and factors contained in Section 1, and after giving due consideration to any proposed plans and recommendations made by the citizens advisory board pursuant to section 2 of this resolution.

III. BACKGROUND (FEDERAL)

Although each state provides its own redistricting criteria, federal law and US Supreme Court rulings provide a regulatory framework for local redistricting. Following is a list of federal constraints on the redistricting process:

- a) A redistricting plan must create districts that are relatively equal in population
- b) A redistricting plan must not dilute the strength of minority voters
- c) A redistricting plan must not be a "racial gerrymander"
- d) A redistricting plan must take into account traditional redistricting criteria such as compactness, contiguity, and respect for political subdivision lines and communities of interest. Exact redistricting criteria may vary between states.

Voting Rights Act of 1965, as amended in 1982

The Voting Rights Act, passed by congress in 1965 and amended in 1982, places some limits on the redistricting process, as follows:

Section 2 of the Voting Rights Act, as amended in 1982 provides: (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided by subsection (b) of this section. (b) A violation of subsection (a) of this section is established if, based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That

nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in population.

Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;

The Equal Protection Clause of the Fourteenth Amendment of the US Constitution also limits the redistricting process, as follows

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

One-Person, One-Vote: One Person, One Vote was established as an interpretation of the Equal Protection Clause of the Fourteenth Amendment through the Supreme Court Case of Reynolds v. Sims, 377 U.S. 533 (1964). The ruling requires legislative voting districts to have relatively equal population

IV. BACKGROUND (MIAMI-DADE COUNTY)

Home Rule Charter:

Section 1.03. – Districts:

- A. There shall be thirteen County Commission districts. The current boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.
- B. The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

Section 1.04. – Composition of the Commission:

The Commission shall consist of thirteen members, each of whom shall be a qualified elector residing within his or her district for at least six months and within the County for at least three years before qualifying and who shall be elected by the qualified electors of his or her district.

Meek v. Metropolitan Dade County – 1992

The 1992 decision, handed down by Judge Donald Graham of United States District Court in Miami, replaces the county's at-large system with a plan for single-member districts. The proposal was intended to increase Hispanic and black representation. As a result of the judge's order, the Miami-Dade Board of County Commissioners increased from 9 members to 13.

Reference: Meek v. Metropolitan Dade County, Fla., 985 F.2d 1471, 1477 (11th Cir.1993)

2.1.11 - G.B

C: Alex M.

22708

Office of the Chair



CHAIRMAN
JOE A. MARTINEZ

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

Memorandum

To: Honorable Carlos Alvarez, Mayor
From: Joe A. Martinez, Chairman 
Date: January 27, 2011
Re: Census/Redistricting Committee

As we await the Census information from Washington, we must begin to prepare for the task of redistricting; also known as reapportionment and realignment. This is a once in a decade event that impacts representation for our residents.

In the coming months we should receive information regarding the Census count completed last year. At that time, we will begin to undertake the very important process of redistricting which will determine district size, as well as representation. It is a complex and a time consuming process that must be done fairly and in adherence to amendments 5 and 6 which the voters overwhelming passed by over 60 percent this past November 2, 2010. As you may recall, these two amendments precluded gerrymandering and redrawing of districts for political reasons only.

In order to get a head start, I will be creating a committee that will report directly to the Board of County Commissioners and will be chaired by Vice Chairwoman Audrey M. Edmonson. This committee will be composed of five commission members that will work closely with the Planning and Zoning Department and Mr. Mark LaFerrier. I am sure you understand the importance of this and will ensure that Mr. LaFerrier is available for these meetings.

Thank you for your assistance on this matter. If you have any questions, please feel free to contact me.

JM/ea

C: Honorable Vice Chairwoman Audrey M. Edmonson and
Members of the Board of County Commissioners
George Burgess, County Manager
Robert A. Cuevas, County Attorney
Diane Collins, Clerk of the Board
Charles Anderson, Commission Auditor
Mark LaFerrier, Director, Planning and Zoning Department

Office of the Chair



**CHAIRMAN
JOE A. MARTINEZ**

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

Memorandum

To: Honorable Vice Chairwoman Audrey M. Edmonson and
Members of the Board of County Commissioners

From: Joe A. Martinez, Chairman 

Date: March 17, 2011

Re: Redistricting Subcommittee

Every 10 years following the release of decennial census data, the county is required to amend the Commission District boundaries in accordance with the requirements of Section 1.03(B) of the Home Rule Charter and federal law. In preparation for the release of the 2010 Census data, I am hereby establishing a Redistricting Subcommittee to oversee the redistricting process, as authorized in Rule 4.01(g) of the Rules of Procedure. The Redistricting Subcommittee will provide recommendations to the Board of County Commissioners on matters related to amendment of Commission District boundaries. As indicated in my memo dated January 27, 2011, the Subcommittee will be chaired by Vice Chairwoman Edmonson. Commissioner Barreiro, Commissioner Diaz, Commissioner Heyman and Commissioner Moss will also serve on the Subcommittee.

Due to the nature of the project, the Subcommittee will need to meet at various intervals between March and December of 2011. The Subcommittee will be tasked with overseeing the redistricting process, conducting public meetings, hearing presentations by redistricting experts, receiving updates on the public outreach process and reviewing draft redistricting plans.

As outlined in Resolution 511-04 (attached), I am asking each of you to appoint one member to serve on a Redistricting Advisory Board. This group will facilitate the public outreach process and make advisory recommendations to the Commission regarding proposed redistricting plans. Therefore, I am respectfully asking each of you to identify their appointment for the Citizens Advisory Board at the April 4, 2011 meeting of the Board of County Commissioners.

Attachment

JM/ea

c: Alina Hudak, County Manager
Robert A. Cuevas, County Attorney
Diane Collins, Clerk of the Board
Charles Anderson, Commission Auditor
Mark LaFerrier, Director, Planning and Zoning Department

REDISTRICTING SUBCOMMITTEE
SCHEDULE AND AGENDA

March 30, 2011:

- 1) ORAL REPORT RE: SUBCOMMITTEE ROLE AND MEETING SCHEDULE – STAFF PRESENTATION
- 2) ORAL REPORT RE: REDISTRICTING CRITERIA, DATA AND TIMELINE – STAFF PRESENTATION
- 3) ORAL REPORT RE: CONSULTANT SERVICES – STAFF PRESENTATION

May 4, 2011:

- 1) HEAR PRESENTATIONS BY REDISTRICTING CONSULTANTS
- 2) RESOLUTION PROVIDING RECOMMENDATION FOR REDISTRICTING CONSULTING SERVICES TO THE BCC

June, 2011:

- 1) PROJECT SCOPE AND APPROACH – CONSULTANT PRESENTATION

July, 2011:

- 1) ORAL REPORT RE: PUBLIC OUTREACH PLAN (CONSULTANT)
- 2) WORKING DRAFT REDISTRICTING PLANS (CONSULTANT)

September, 2011:

- 1) SUMMARY OF PUBLIC OUTREACH (CONSULTANT)
- 2) WORKING DRAFT REDISTRICTING PLANS (CONSULTANT)

October, 2011:

- 1) PRESENTATION OF FINAL REDISTRICTING PLANS (CONSULTANT)
- 2) ORDINANCE PROVIDING NEW BOUNDARIES FOR COUNTY COMMISSION DISTRICTS
- 3) DRAFT EVALUATION FOR PRECINCT BOUNDARY REVISIONS (CONSULTANT)

2.1.11 - G.B

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22708

Office of the Chair



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MIAMI-DADE COUNTY 2011

	2011						
	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
POPULATION DATA RELEASED BY CENSUS							
REDISTRICTING SUBCOMMITTEE KICK-OFF MEETING	RSC						
COMMISSIONERS APPOINTS CITIZEN ADVISORY BOARD		BCC					
CONSULTANT SELECTION PROCESS			RSC & BCC				
CONSULTANT: SCOPE AND APPROACH				RSC			
DEVELOP, REVISE AND RECOMMEND REDISTRICTING PLANS					RSC		RSC
BLOC VOTING ANALYSIS							
CITIZEN'S ADVISORY MEETINGS (VARIOUS LOCATIONS)							
ORDINANCE - COMM DISTRICT BOUNDARIES (1st READING)							
ORDINANCE - COMM DISTRICT BOUNDARIES (FINAL ACTION)							
VOTER PRECINCTS REDRAWN							
CANDIDATE RESIDENCY PERIOD							

- SUBCOMMITTEE OR BCC MEETING
- ONGOING PROCESS
- CITIZEN'S ADVISORY BOARD MEETINGS

BCC - BOARD OF COUNTY COMMISSIONERS
 RSC - REDISTRICTING SUBCOMMITTEE

MIAMI-DADE COUNTY 2011

	2011						
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REDISTRICTING SUBCOMMITTEE KICK-OFF MEETING	RSC						
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- ONGOING PROCESS
- CITIZEN'S ADVISORY BOARD MEETINGS

BCC - BOARD OF COUNTY COMMISSIONERS
RSC - REDISTRICTING SUBCOMMITTEE

2011 Commission Redistricting
Procurement Timeline (Draft)

RFQ Issued
(April 4, 2011)

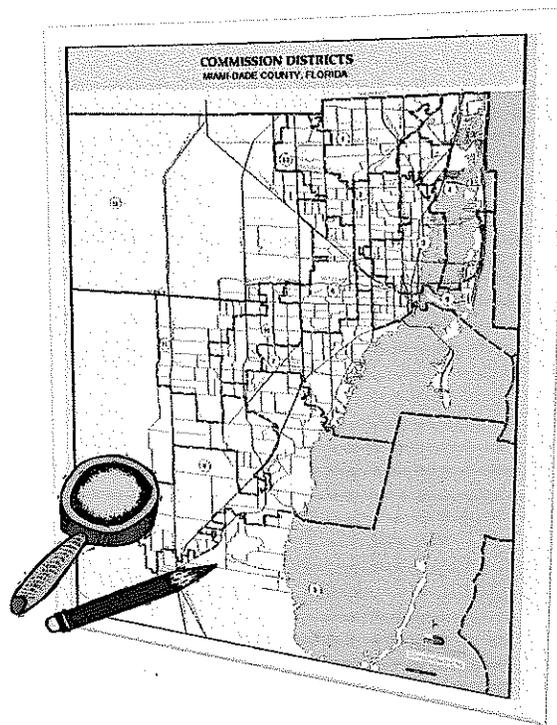
Proposals Due
(April 18, 2011)

Redistricting Subcommittee
Hear Consultant Presentations and Forward Recommendation
(May 4, 2011)

Board of County Commissioners
Select Consultant
(May 17, 2011)

2010 Census Data

Demographics of Commission Districts in Miami-Dade



Research Section,
Department of Planning and Zoning,
Miami-Dade County
March 2011



Introduction

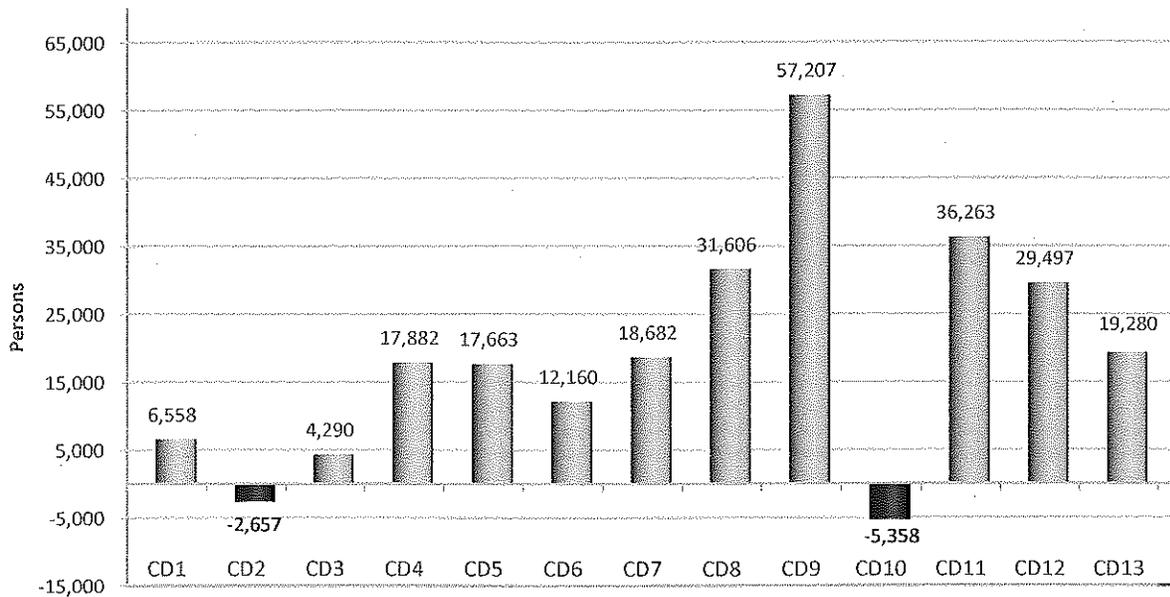
Under the provisions of Public Law 94-171, the U.S. Census Bureau has to provide not later than April 1, 2011, a detailed population counts for all areas within each state to the governors and legislative leaders. On March 17, 2011 the Bureau released the 2010 Census Redistricting data for the state of Florida and local areas. The following is a presentation of this data providing an eagerly anticipated look on population, race and ethnicity, age groups and housing units by commission district in Miami-Dade County.

Population

Based on Census 2010 figures, the population in Miami-Dade continued to increase during the past decade from 2,253,362 in 2000 to 2,496,435 in 2010, up by 10.8 percent. This growth trend was also seen in all commission districts, except for District 10 and District 2, where it dropped by 3.0 percent and 1.6 percent, respectively (see Figures 1 and 2, and Table 1). The largest increase in population was seen in District 9, from 172,895 persons in 2000 to 230,102 persons in 2010.

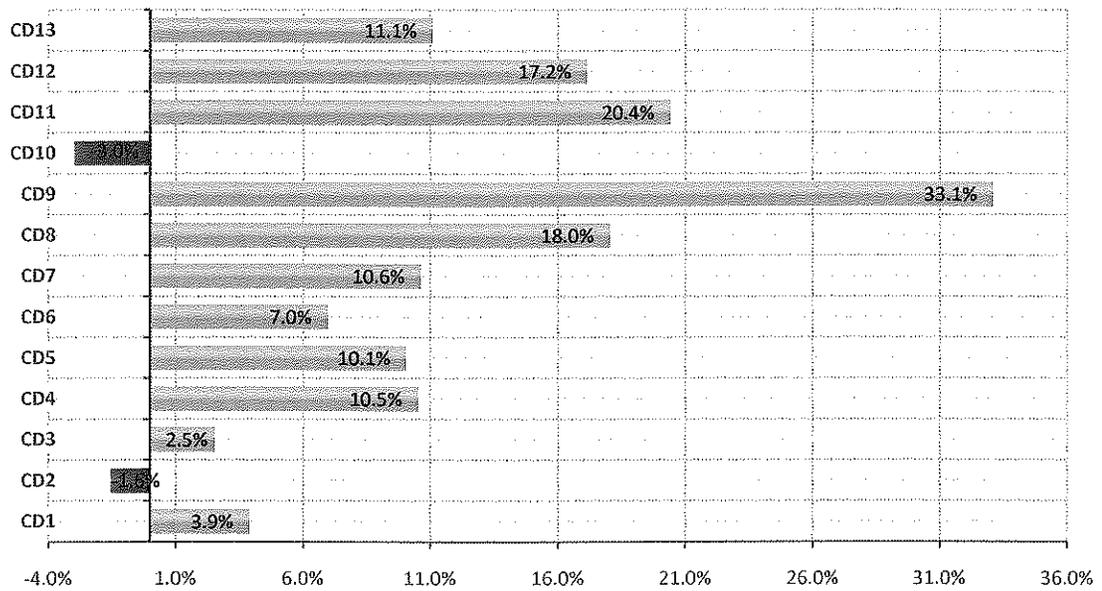
The population in Miami-Dade grew by 11 percent between 2000 and 2010.

Figure 1.
2000 - 2010 Change in Total Population,
by Commission District, Miami-Dade County



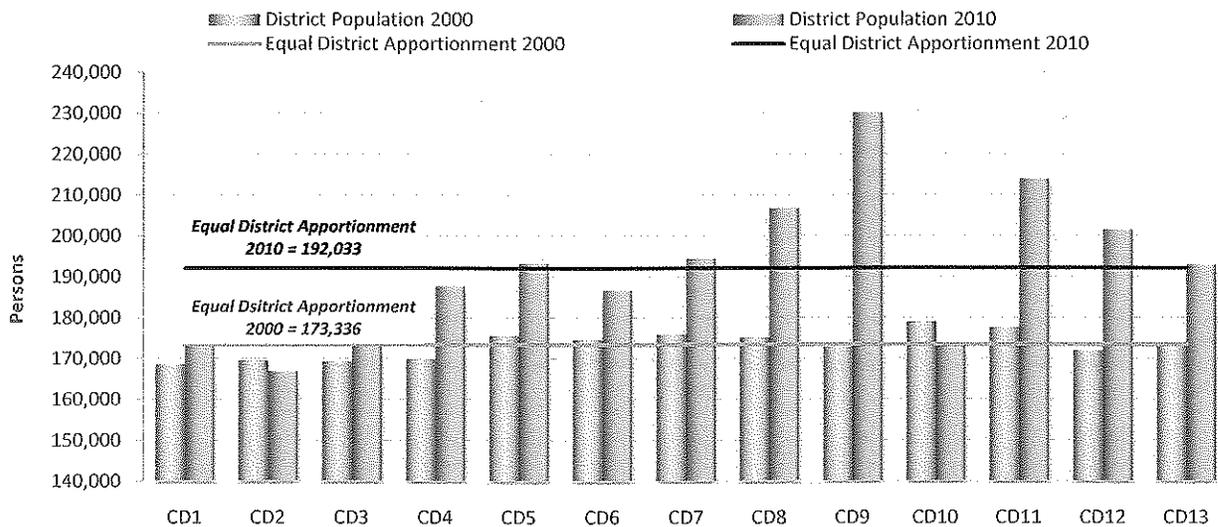
Source: U.S. Census Bureau, Decennial Census 2000 and 2010 Data, PL 94-171, Miami-Dade County, Department of Planning and Zoning, Research Section, March 2011.

Figure 2.
2000 - 2010 Population Change, Percent
by Commission District, Miami-Dade County



There was a double-digit population growth in eight commission districts with District 9 leading the list at 33.1 percent, District 11 following at 20.4 percent, and District 8 third at 18.0 percent. These changes in commission district population will have ramifications on the boundaries of future commission districts. In particular, Figure 3 shows that over half of the current districts, assuming near equal apportionment, will be significantly different than in those based on the 2000 Census data.

Figure 3.
Commission District Apportionment,
2000 and 2010



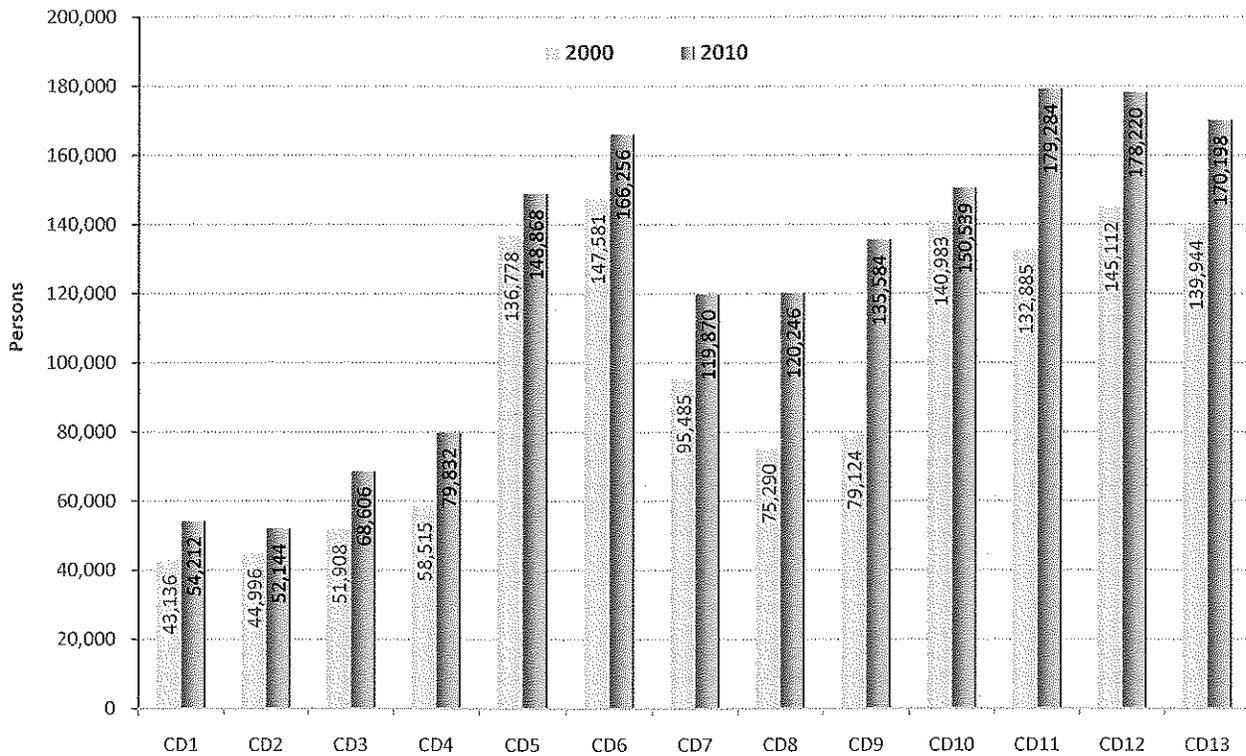
Source: U.S. Census Bureau, Decennial Census 2000 and 2010 Data, PL 94-171, Miami-Dade County, Department of Planning and Zoning, Research Section, March 2011.

Race and Ethnicity

During the period from 2000 to 2010 the Hispanic population grew rapidly resulting in Hispanics today accounting for 65 percent of the County population. This is reflected at the commission district level, where Hispanic persons increased at a rate varying from 7 to 71 percent (see Table 2 and Figure 4). In 2010, the largest number of Hispanics was in District 11 at 179,284, followed closely by District 12 with 178,220. While fewest Hispanics lived in District 1 and District 2, in 2010 their number grew above 50,000 in each of those districts. In relative terms, the largest increase of Hispanics during 2000 – 2010 was in District 9, by 71.4 percent. District 8 is second, with an impressive 59.7 percent growth of Hispanic population since 2000.

Between 2000 and 2010 the number of Hispanic or Latino persons increased in all commission districts in Miami-Dade.

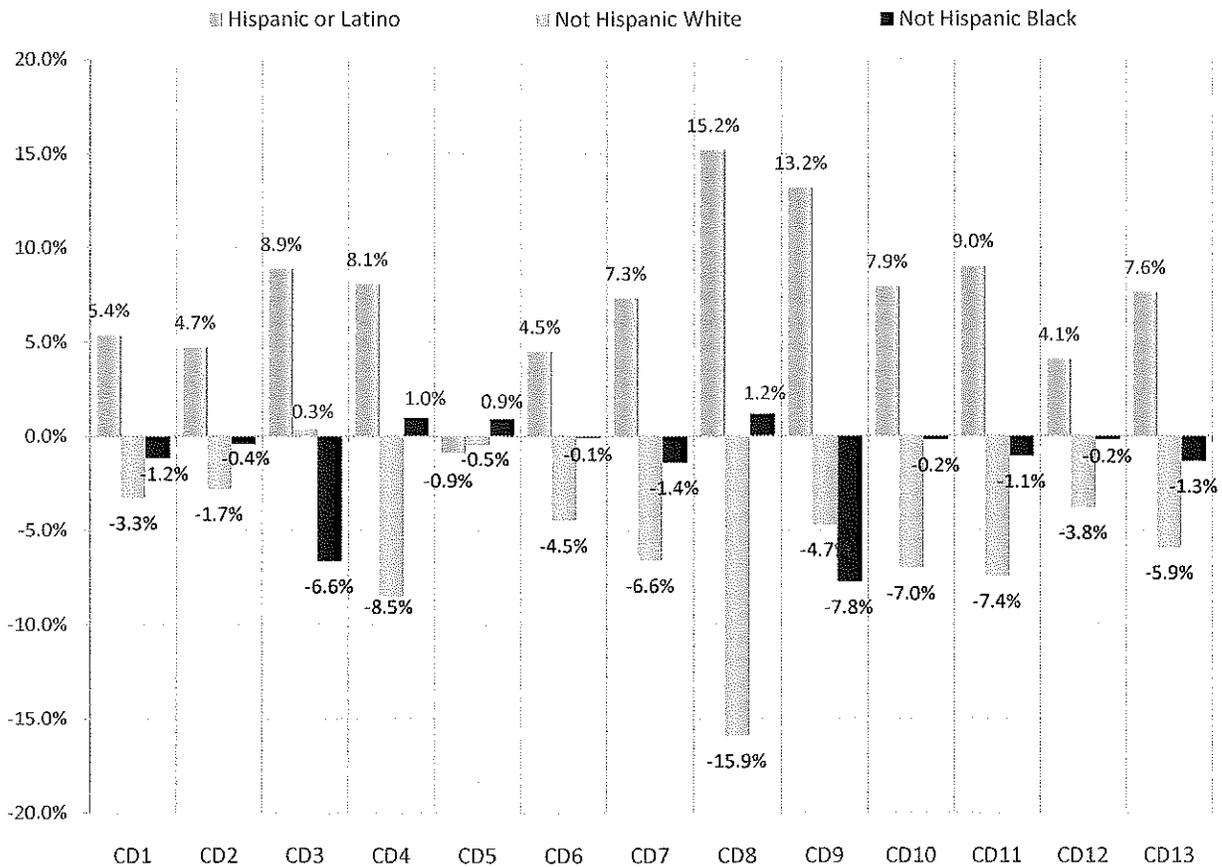
Figure 4.
Population of Hispanic or Latino Origin
by Commission District, 2000 and 2010



Source: U.S. Census Bureau, Decennial Census 2000 and 2010 Data, PL 94-171, Miami-Dade County, Department of Planning and Zoning, Research Section, March 2011.

While the Hispanic share in the total population jumped from 57.3 percent in 2000 to 65 percent in 2010, the shares for Not Hispanic White and Not Hispanic Black declined to 15.4 and 17.1 percent respectively. The remaining 2.5 percent are Not Hispanic Others (see Tables 3 to 6). In terms of the number of persons, Not Hispanic Whites actually declined in by 82,221 since 2000, and Not Hispanic Blacks by 1,490.

Figure 5.
Race and Ethnicity, Change in Share of Total Population,
by Commission District, 2000 - 2010



Source: U.S. Census Bureau, Decennial Census 2000 and 2010 Data, PL 94-171, Miami-Dade County, Department of Planning and Zoning, Research Section, March 2011.

Finally, it should be noted that the number of persons under 18 years of age decreased by 2.4 percent for the County a whole. Commission Districts 1, 2, 3, and 10 experienced decreases of more than 10 percent, while Districts 4 and 9 had increases above 10 percent (see Table 7).

Table 1.
Total Population,
by Commission District, Miami-Dade County

Commission District	Number of Persons		Change, 2000 to 2010	
	2000	2010	Number	Percent
1	168,488	175,046	6,558	3.9%
2	169,506	166,849	-2,657	-1.6%
3	169,241	173,531	4,290	2.5%
4	169,912	187,794	17,882	10.5%
5	175,602	193,265	17,663	10.1%
6	174,559	186,719	12,160	7.0%
7	175,795	194,477	18,682	10.6%
8	175,127	206,733	31,606	18.0%
9	172,895	230,102	57,207	33.1%
10	178,968	173,610	-5,358	-3.0%
11	177,576	213,839	36,263	20.4%
12	171,960	201,457	29,497	17.2%
13	173,733	193,013	19,280	11.1%
Total	2,253,362	2,496,435	243,073	10.8%

Source: U.S. Census Bureau, Census 2000, Summary File 1 and 2010 Data (Public Law 94-171) Summary File, Table PL1, Miami-Dade County Department of Planning and Zoning, Research Section, March 2011.

Table 2.
Population of Hispanic or Latino Origin,
by Commission District, Miami-Dade County

Commission District	Number of Persons		Change, 2000 to 2010	
	2000	2010	Number	Percent
1	43,136	54,212	11,076	25.7%
2	44,996	52,144	7,148	15.9%
3	51,908	68,606	16,698	32.2%
4	58,515	79,832	21,317	36.4%
5	136,778	148,868	12,090	8.8%
6	147,581	166,256	18,675	12.7%
7	95,485	119,870	24,385	25.5%
8	75,290	120,246	44,956	59.7%
9	79,124	135,584	56,460	71.4%
10	140,983	150,539	9,556	6.8%
11	132,885	179,284	46,399	34.9%
12	145,112	178,220	33,108	22.8%
13	139,944	170,198	30,254	21.6%
Total	1,291,737	1,623,859	332,122	25.7%

Source: U.S. Census Bureau, Census 2000, Summary File 1 and 2010 Data (Public Law 94-171) Summary File, Table PL1, Miami-Dade County Department of Planning and Zoning, Research Section, March 2011.

Table 3.
Not Hispanic White Population,
by Commission District, Miami-Dade County

Commission District	Number of Persons		Change, 2000 to 2010	
	2000	2010	Number	Percent
1	12,572	7,340	-5,232	-41.6%
2	12,710	7,848	-4,862	-38.3%
3	18,868	19,947	1,079	5.7%
4	87,484	80,712	-6,772	-7.7%
5	32,912	35,321	2,409	7.3%
6	24,280	17,635	-6,645	-27.4%
7	65,550	59,668	-5,882	-9.0%
8	77,681	58,808	-18,873	-24.3%
9	28,072	26,532	-1,540	-5.5%
10	31,887	18,716	-13,171	-41.3%
11	31,333	21,812	-9,521	-30.4%
12	19,263	14,925	-4,338	-22.5%
13	23,160	14,287	-8,873	-38.3%
Total	465,772	383,551	-82,221	-17.7%

Source: U.S. Census Bureau, Census 2000, Summary File 1 and 2010 Data (Public Law 94-171) Summary File, Table PL1, Miami-Dade County Department of Planning and Zoning, Research Section, March 2011.

Table 4.
Not Hispanic Black,
by Commission District, Miami-Dade County

Commission District	Number of Persons		Change, 2000 to 2010	
	2000	2010	Number	Percent
1	107,386	109,514	2128	2.0%
2	104,529	102,187	-2342	-2.2%
3	89,390	80,137	-9253	-10.4%
4	16,585	20,167	3582	21.6%
5	3,084	5,150	2066	67.0%
6	1,060	1,006	-54	-5.1%
7	9,807	8,110	-1697	-17.3%
8	14,368	19,366	4998	34.8%
9	58,941	60,591	1650	2.8%
10	2,176	1,735	-441	-20.3%
11	7,580	6,809	-771	-10.2%
12	4,357	4,727	370	8.5%
13	7,877	6,151	-1726	-21.9%
Total	427,140	425,650	-1490	-0.3%

Source: U.S. Census Bureau, Census 2000, Summary File 1 and 2010 Data (Public Law 94-171) Summary File, Table PL1, Miami-Dade County Department of Planning and Zoning, Research Section, March 2011.

Table 5.
Not Hispanic Other,
by Commission District, Miami-Dade County

Commission District	Number of Persons		Change, 2000 to 2010	
	2000	2010	Number	Percent
1	5,394	3,980	-1,414	-26.2%
2	7,271	4,670	-2,601	-35.8%
3	9,075	4,841	-4,234	-46.7%
4	7,328	7,083	-245	-3.3%
5	2,828	3,926	1,098	38.8%
6	1,638	1,822	184	11.2%
7	4,953	6,829	1,876	37.9%
8	7,788	8,313	525	6.7%
9	6,758	7,395	637	9.4%
10	3,922	2,620	-1,302	-33.2%
11	5,778	5,934	156	2.7%
12	3,228	3,585	357	11.1%
13	2,752	2,377	-375	-13.6%
Total	68,713	63,375	-5,338	-7.8%

Source: U.S. Census Bureau, Census 2000, Summary File 1 and 2010 Data (Public Law 94-171) Summary File, Table PL1, Miami-Dade County Department of Planning and Zoning, Research Section, March 2011.

Table 6.
Race and Ethnic Groups, Share in Total Population,
by Commission District, Miami-Dade County

Commission District	Hispanic or Latino			Not Hispanic White			Not Hispanic Black		
	2000	2010	Gain/Loss	2000	2010	Gain/Loss	2000	2010	Gain/Loss
1	25.6%	31.0%	5.4%	7.5%	4.2%	-3.3%	63.7%	62.6%	-1.2%
2	26.5%	31.3%	4.7%	7.5%	4.7%	-2.8%	61.7%	61.2%	-0.4%
3	30.7%	39.5%	8.9%	11.1%	11.5%	0.3%	52.8%	46.2%	-6.6%
4	34.4%	42.5%	8.1%	51.5%	43.0%	-8.5%	9.8%	10.7%	1.0%
5	77.9%	77.0%	-0.9%	18.7%	18.3%	-0.5%	1.8%	2.7%	0.9%
6	84.5%	89.0%	4.5%	13.9%	9.4%	-4.5%	0.6%	0.5%	-0.1%
7	54.3%	61.6%	7.3%	37.3%	30.7%	-6.6%	5.6%	4.2%	-1.4%
8	43.0%	58.2%	15.2%	44.4%	28.4%	-15.9%	8.2%	9.4%	1.2%
9	45.8%	58.9%	13.2%	16.2%	11.5%	-4.7%	34.1%	26.3%	-7.8%
10	78.8%	86.7%	7.9%	17.8%	10.8%	-7.0%	1.2%	1.0%	-0.2%
11	74.8%	83.8%	9.0%	17.6%	10.2%	-7.4%	4.3%	3.2%	-1.1%
12	84.4%	88.5%	4.1%	11.2%	7.4%	-3.8%	2.5%	2.3%	-0.2%
13	80.6%	88.2%	7.6%	13.3%	7.4%	-5.9%	4.5%	3.2%	-1.3%
Total	57.3%	65.0%	7.7%	20.7%	15.4%	-5.3%	19.0%	17.1%	-1.9%

Source: U.S. Census Bureau, Census 2000, Summary File 1 and 2010 Data (Public Law 94-171) Summary File, Table PL1, Miami-Dade County Department of Planning and Zoning, Research Section, March 2011.

Table 7.
 2010 Population under 18 Years,
 by Commission District, Miami-Dade County

Commission District	2000		2010		Change, 2000 to 2010	
	Number of Persons	Percent of total population	Number of Persons	Percent of total population	Number	Percent
1	52,250	31.0%	46,396	26.5%	-5,854	-11.2%
2	53,208	31.4%	42,679	25.6%	-10,529	-19.8%
3	46,405	27.4%	38,769	22.3%	-7,636	-16.5%
4	31,556	18.6%	35,557	18.9%	4,001	12.7%
5	29,280	16.7%	28,704	14.9%	-576	-2.0%
6	34,450	19.7%	32,683	17.5%	-1,767	-5.1%
7	34,746	19.8%	35,789	18.4%	1,043	3.0%
8	49,566	28.3%	53,473	25.9%	3,907	7.9%
9	56,639	32.8%	65,645	28.5%	9,006	15.9%
10	38,564	21.5%	32,064	18.5%	-6,500	-16.9%
11	47,519	26.8%	48,268	22.6%	749	1.6%
12	44,672	26.0%	45,521	22.6%	849	1.9%
13	40,358	23.2%	40,180	20.8%	-178	-0.4%
Total	559,213	24.8%	545,728	21.9%	-13,485	-2.4%

Source: U.S. Census Bureau, Census 2000, Summary File 1 and 2010 Data (Public Law 94-171) Summary File, Table PL1, Miami-Dade County Department of Planning and Zoning, Research Section, March 2011.

Sec.	
1973gg-4.	Mall registration.
1973gg-5.	Voter registration agencies.
1973gg-6.	Requirements with respect to administration of voter registration.
1973gg-7.	Federal coordination and regulations.
1973gg-8.	Designation of chief State election official.
1973gg-9.	Civil enforcement and private right of action.
1973gg-10.	Criminal penalties.

SUBCHAPTER II—FEDERAL ELECTION RECORDS

1974.	Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation.
1974a.	Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties.
1974b.	Demand for records or papers by Attorney General or representative; statement of basis and purpose.
1974c.	Disclosure of records or papers.
1974d.	Jurisdiction to compel production of records or papers.
1974e.	"Officer of election" defined.

SUBCHAPTER I—GENERALLY

§ 1971. Voting rights

(a) **Race, color, or previous condition not to affect right to vote; uniform standards for voting qualifications; errors or omissions from papers; literacy tests; agreements between Attorney General and State or local authorities; definitions**

(1) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

(2) No person acting under color of law shall—

(A) in determining whether any individual is qualified under State law or laws to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

(B) deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

(C) employ any literacy test as a qualification for voting in any election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during

which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 [42 U.S.C. 1974 et seq.]: *Provided, however,* That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

(3) For purposes of this subsection—

(A) the term "vote" shall have the same meaning as in subsection (e) of this section;

(B) the phrase "literacy test" includes any test of the ability to read, write, understand, or interpret any matter.

(b) **Intimidation, threats, or coercion**

No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) **Preventive relief; injunction; rebuttable literacy presumption; liability of United States for costs; State as party defendant**

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any election. In any proceeding hereunder the United States shall be liable for costs the same as a private person. Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a) of this section, the act or practice

shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.

(d) Jurisdiction; exhaustion of other remedies

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(e) Order qualifying person to vote; application; hearing; voting referees; transmittal of report and order; certificate of qualification; definitions

In any proceeding instituted pursuant to subsection (c) of this section in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a) of this section, the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by section 3331 of title 5, to serve for such period as the

court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard *ex parte* at such times and places as the court shall direct. His statement under oath shall be *prima facie* evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time

of such election, the court shall issue an order authorizing the applicant to vote provisionally: *Provided, however*, That such applicant shall be qualified to vote under State law. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a) of this section; and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

(f) Contempt; assignment of counsel; witnesses

Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel.

(g) Three-judge district court: hearing, determination, expedition of action, review by Supreme Court; single-judge district court: hearing, determination, expedition of action

In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon

him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case. A copy of the request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In any proceeding brought under subsection (c) of this section to enforce subsection (b) of this section, or in the event neither the Attorney General nor any defendant files a request for a three-judge court in any proceeding authorized by this subsection, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or, in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

(R.S. §2004; Pub. L. 85-315, pt. IV, §131, Sept. 9, 1957, 71 Stat. 637; Pub. L. 86-449, title VI, §601, May 6, 1960, 74 Stat. 90; Pub. L. 88-352, title I, §101, July 2, 1964, 78 Stat. 241; Pub. L. 89-110, §15, Aug. 6, 1965, 79 Stat. 445.)

REFERENCES IN TEXT

The Civil Rights Act of 1960, referred to in subsec. (a)(2)(C), is Pub. L. 86-449, May 6, 1960, 74 Stat. 86, as amended. Title III of the Civil Rights Act of 1960 is classified generally to subchapter II (§1974 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

Rule 53(c) of the Federal Rules of Civil Procedure, referred to in subsec. (e), is set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

This Act, referred to in subsec. (f), is Pub. L. 85-315, Sept. 9, 1957, 71 Stat. 634, as amended, which enacted sections 1975 to 1975e and 1995 of this title and section 295-1 of former Title 5, Executive Departments and Government Officers and Employees, amended this section and sections 1343 and 1861 of Title 28, repealed section 1993 of this title, and enacted provisions set out as a note under section 1975 of this title.

CODIFICATION

R.S. §2004 derived from act May 31, 1870, ch. 114, §1, 16 Stat. 140.

In subsec. (e), "section 3331 of title 5" was substituted for "Revised Statutes, section 1757 (5 U.S.C. 16)" on au-

thority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 31 of Title 8, Aliens and Nationality.

AMENDMENTS

1965—Subsecs. (a), (c). Pub. L. 89-110, §15(a), struck out "Federal" before "election" wherever appearing.

Subsecs. (f) to (h). Pub. L. 89-110, §15(b), redesignated subsecs. (g) and (h) as (f) and (g), respectively, and repealed former subsec. (f) which defined "Federal elections".

1964—Subsec. (a). Pub. L. 88-352, §101(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (c). Pub. L. 88-352, §101(b), provided for a rebuttable literacy presumption when a person has not been adjudged an incompetent and has completed the sixth grade of his schooling.

Subsecs. (f), (g). Pub. L. 88-352, §101(c), added subsec. (f) and redesignated former subsec. (f) as (g).

Subsec. (h). Pub. L. 88-352, §101(d), added subsec. (h).

1960—Subsec. (c). Pub. L. 86-449, §601(b), permitted the State to be joined as a party defendant in cases where officials of a State or subdivision thereof are alleged to have committed acts or practices constituting a deprivation of any rights or privileges secured by subsection (a) of this section, and authorized commencement of the proceeding against the State where an official has resigned or has been relieved of his office and no successor has assumed such office.

Subsecs. (e), (f). Pub. L. 86-449, §601(a), added subsec. (e) and redesignated former subsec. (e) as (f).

1957—Pub. L. 85-315, §131, substituted "Voting rights" for "Race, color, or previous condition not to affect right to vote" in section catchline, designated existing provisions as subsec. (a), and added subsecs. (b) to (e).

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-246, §1, July 27, 2006, 120 Stat. 577, provided that: "This Act [amending sections 1973a to 1973c, 1973f, 1973j to 1973l, and 1973aa-1a of this title, repealing sections 1973d, 1973e, and 1973g of this title, and enacting provisions set out as a note under section 1973 of this title] may be cited as the 'Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-344, §1, Aug. 26, 1992, 106 Stat. 921, provided that: "This Act [amending section 1973aa-1a of this title] may be cited as the 'Voting Rights Language Assistance Act of 1992'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-410, §1, Aug. 28, 1986, 100 Stat. 924, provided that: "This Act [enacting subchapter I-G of this chapter, sections 608 and 609 of Title 18, Crimes and Criminal Procedure, and section 3406 of Title 39, Postal Service, amending sections 2401, 3627, and 3684 of Title 39, repealing subchapters I-D and I-E of this chapter, and enacting provisions set out as a note under section 1973ff of this title] may be cited as the 'Uniformed and Overseas Citizens Absentee Voting Act'."

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-205, §1, June 29, 1982, 96 Stat. 131, provided: "That this Act [enacting section 1973aa-6 of this title, amending sections 1973, 1973b, and 1973aa-1a of this title, and enacting provisions set out as notes under sections 1973, 1973b, 1973aa-1a and 1973aa-6 of this title] may be cited as the 'Voting Rights Act Amendments of 1982'."

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-285, §1, June 22, 1970, 84 Stat. 314, provided: "That this Act [designating existing provisions of Pub.

L. 89-110 as subchapter I-A, enacting subchapters I-B and I-C of this chapter, and amending sections 1973b and 1973c of this title] may be cited as the 'Voting Rights Act Amendments of 1970'."

SHORT TITLE OF 1960 AMENDMENT

Pub. L. 86-449, §1, May 6, 1960, 74 Stat. 84, provided that: "This Act [enacting subchapter II of this chapter and sections 837, 1074, and 1509 of Title 18, Crimes and Criminal Procedure, and amending this section and sections 241 and 640 of Title 20, Education] may be cited as the 'Civil Rights Act of 1960'."

SHORT TITLE OF 1957 AMENDMENT

Pub. L. 85-315, pt. V, §161, Sept. 9, 1957, 71 Stat. 638, provided that: "This Act [enacting former chapter 20A of this title and section 1995 of this title and section 295-1 of former Title 5, Executive Departments and Government Officers and Employees, amending this section and sections 1343 and 1861 of Title 28, Judiciary and Judicial Procedure, and repealing section 1993 of this title] may be cited as the 'Civil Rights Act of 1957'."

SHORT TITLE

Pub. L. 89-110, §1, Aug. 6, 1965, 79 Stat. 437, provided that: "This Act [enacting subchapters I-A, I-B, and I-C of this chapter and amending this section] shall be known as the 'Voting Rights Act of 1965'."

Act Aug. 9, 1956, ch. 656, §1, 69 Stat. 584, which provided that such Act, which enacted subchapter I-D of this chapter and repealed sections 301 to 303, 321 to 331, 341, and 351 to 355 of Title 50, War and National Defense, was to be cited as "The Federal Voting Assistance Act of 1955", was repealed by Pub. L. 99-410, title II, §203, Aug. 28, 1986, 100 Stat. 930.

Pub. L. 94-203, §1, Jan. 2, 1976, 89 Stat. 1142, which provided that Pub. L. 94-203, which enacted subchapter I-E of this chapter, was to be cited as "Overseas Citizens Voting Rights Act of 1975", was repealed by Pub. L. 99-410, title II, §203, Aug. 28, 1986, 100 Stat. 930.

Pub. L. 98-435, §1, Sept. 28, 1984, 98 Stat. 1678, provided that: "This Act [enacting subchapter I-F of this chapter] may be cited as the 'Voting Accessibility for the Elderly and Handicapped Act'."

Pub. L. 103-31, §1, May 20, 1993, 107 Stat. 77, provided that: "This Act [enacting subchapter I-H of this chapter and section 3629 of Title 39, Postal Service, and amending sections 2401 and 3627 of Title 39] may be cited as the 'National Voter Registration Act of 1993'."

SEPARABILITY

Section 701 of Pub. L. 86-449 provided that: "If any provisions of this Act [see Short Title note above] is held invalid, the remainder of this Act shall not be affected thereby."

VOTER REGISTRATION DRIVES

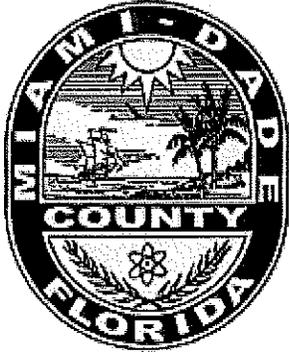
Pub. L. 98-473, title I, §101(j), Oct. 12, 1984, 98 Stat. 1963, provided that: "It is the sense of the Congress that—

"(1) voter registration drives should be encouraged by governmental entities at all levels; and

"(2) voter registration drives conducted by State governments on a nonpartisan basis do not violate the provisions of the Intergovernmental Personnel Act (42 U.S.C. 4728, 4763)."

§ 1972. Interference with freedom of elections

No officer of the Army, Navy, or Air Force of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State.



THE

**HOME RULE
AMENDMENT**

AND

CHARTER

(AS AMENDED THROUGH
NOVEMBER 2, 2010)

MIAMI-DADE COUNTY, FLORIDA

*The Miami-Dade County Home Rule Amendment
to the Florida State Constitution
was adopted November 6, 1956.*

*The Miami-Dade County Home Rule Charter
was adopted May 21, 1957.*

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HOME RULE AMENDMENT

ARTICLE VIII, SECTION 11 FLORIDA CONSTITUTION 1885

ARTICLE VIII, SECTION 6 FLORIDA CONSTITUTION 1968

Dade County, home rule charter. - (1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

- (a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.
- (b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; to levy and collect such taxes as may be authorized by general law and no other taxes, and do everything necessary to carry on a central metropolitan government in Dade County.
- (c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.
- (d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board of County Commissioners of Dade County.
- (e) May provide a method for establishing new municipal corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.
- (f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the Legislature, except the Superintendent of Public Instruction and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

- (g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the Legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.
- (h) May change the name of Dade County.
- (i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the Governor and Senate relating to the suspension and removal of officers provided for in this Constitution shall not be impaired, but shall extend to all officers provided for in said home rule charter.

(2) Provision shall be made for the protection of the creditors of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

(3) This home rule charter shall be prepared by a Metropolitan Charter Board created by the Legislature and shall be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Until a home rule charter is adopted the Legislature may from time to time create additional Charter Boards to prepare charters to be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Such charter, once adopted by the electors, may be amended only by the electors of Dade County and this charter shall provide a method for submitting future charter revisions and amendments to the electors of Dade County.

(4) The County Commission shall continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the State of Florida shall pay to the Commission all revenues which would have been paid to any municipality in Dade County which may be abolished by or in the method provided by this home rule charter; provided, however, the Commission shall reimburse the comptroller of Florida for the expense incurred, if any, in the keeping of separate records to determine the amounts of money which would have been payable to any such municipality.

(5) Nothing in this section shall limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties in the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida, and the home rule charter provided for herein shall not conflict with any provision of this Constitution nor of any applicable general laws now applying to Dade County and any other one or more counties of the State of Florida except as expressly authorized in this section nor shall any ordinance enacted in pursuance to said home rule charter conflict with this Constitution or any such applicable general law except as expressly authorized herein, nor shall the charter of any municipality in Dade County conflict with this Constitution or any such applicable general law except as expressly authorized herein, provided however that said charter and said ordinances enacted in pursuance thereof may conflict with, modify or nullify any existing local, special or general law applicable only to Dade County.

(6) Nothing in this section shall be construed to limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had not been adopted and such general laws shall supersede any part or portion of the home rule charter provided for herein in conflict therewith and shall supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the Railroad and Public Utilities Commission or of any other state agency, bureau or commission now or hereafter provided for in this Constitution or by general law and said state agencies, bureaus and commissions shall have the same powers in Dade County as shall be conferred upon them in regard to other counties.

(8) If any section, subsection, sentence, clause or provision of this section is held invalid as violative of the provisions of Section 1, Article XVII of this Constitution the remainder of this section shall not be affected by such invalidity.

(9) It is declared to be the intent of the Legislature and of the electors of the State of Florida to provide by this section home rule for the people of Dade County in local affairs and this section shall be liberally construed to carry out such purpose, and it is further declared to be the intent of the Legislature and of the electors of the State of Florida that the provisions of this Constitution and general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida enacted pursuant thereto by the Legislature shall be the supreme law in Dade County, Florida, except as expressly provided herein and this section shall be strictly construed to maintain such supremacy of this Constitution and of the Legislature in the enactment of general laws pursuant to this Constitution.

MIAMI-DADE COUNTY HOME RULE CHARTER

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 Mayor and the Commission 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.
 3. **Public Records.** All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.
 4. **Minutes and Ordinance Register.** The Clerk of the Commission and of each municipal council shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.
 5. **Right to be Heard.** So far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or any municipal council or any County or municipal agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved; provided, nothing herein shall prohibit the Commission or any municipal council from referring a matter to a committee of each of their respective bodies to conduct a public hearing, unless prohibited by law. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter.
 6. **Right to Notice.** Persons entitled to notice of a County or municipal hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.
 7. **No Unreasonable Postponements.** No matter once having been placed on a formal agenda by the County or any municipality shall be postponed to another day except for good cause shown in the opinion of the County Commission, the municipal council or other governmental entity or agency conducting such meeting, and then only on condition that any person so requesting is mailed adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing.
 8. **Right to Public Hearing.** Upon a timely request of any interested party a public hearing shall be held by any County or municipal agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the Law Department of the County or of any municipality, nor to any body whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal

evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

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

10. **Mayor's, City Managers' and Attorneys' Reports.** The County Mayor and County Attorney and each City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.

11. **Budgeting.** In addition to any budget required by state statute, the County Mayor shall prepare a budget showing the cost of each program for each budget year. Prior to the County Commission's first public hearing on the proposed budget required by state law, the County Mayor shall make public a budget summary setting forth the proposed cost of each individual program and reflecting all major proposed increases and decreases in funds and personnel for each program, the purposes therefore, the estimated millage cost of each program and the amount of any contingency and carryover funds for each program.

12. **Quarterly Budget Comparisons.** The County Mayor shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

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

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

15. **Financial Disclosure.** The Commission shall by ordinance make provision for the filing under oath or affirmation by all County and municipal elective officials, candidates for County and municipal elective offices, such employees as may be designated by ordinance, and such other public officials, and outside consultants who receive funds from the County or municipalities, within the County and who may legally be included, of personal financial statements, copies of personal Federal income tax returns, or itemized source of income statements. Provision shall be made for preparing and keeping such reports current from time to time, and for public disclosure. The Commission shall also make provision for the filing annually under oath of a report by fulltime County and municipal employees of all outside employment and amounts received therefrom. The Mayor and any City Manager may require monthly reports from individual employees or groups of employees for good cause.

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

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

(B). The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of Dade County. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the County. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

- (C) **Remedies for Violations.** In any suit by a citizen alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the Court. Any public official or employee who is found by the Court to have willfully violated this Article shall forthwith forfeit his office or employment.
- (D) **Construction.** All provisions of this Article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Article shall be declared invalid, it shall not affect the validity of the remaining provisions.

ARTICLE - 1

BOARD OF COUNTY COMMISSIONERS

SECTION 1.01. POWERS.

A. The Board of County Commissioners shall be the legislative and the governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but shall not be restricted to the powers to:

1. Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking.
2. Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems.
3. License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.
4. Provide central records, training, and communications for fire and police protection; provide traffic control and central crime investigation; provide fire stations, jails, and related facilities; and subject to Section 1.01A(18) provide a uniform system for fire and police protection.
5. Prepare and enforce comprehensive plans for the development of the county.
6. Provide hospitals and uniform health and welfare programs.
7. Provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.
8. Establish housing, slum clearance, urban renewal, conservation, flood and beach erosion control, air pollution control, and drainage programs and cooperate with governmental agencies and private enterprises in the development and operation of these programs.
9. Provide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs.
10. Levy and collect taxes and special assessments, borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner, and subject to such limitations, as may be provided by law.
11. By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board; provided, however, that the governing board of the Children's Trust shall not be the Board of County Commissioners, but shall have membership as provided in state law for children's service councils serving home rule charter counties. The Children's Trust shall have the authority to fund improvements to children's health, development and safety; promote parental and community responsibility for children; levy an annual ad valorem tax not to exceed one-half (1/2) mill to supplement current county expenditures for children services and require voter renewal in 2008.

Note: By special election called pursuant to Resolution No. R-534-08, and held on August 26, 2008, the voters renewed The Children's Trust's ability to continue to levy an annual ad valorem tax.

12. Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
13. Adopt and enforce uniform building and related technical codes and regulations for both the incorporated and unincorporated areas of the county; provide for examinations for contractors and all parties engaged in the building trades and for the issuance of certificates of competency and their revocation after hearing. Such certificates shall be recognized and required for the issuance of a license in all municipalities in the county. No municipality shall be entitled to require examinations or any additional certificate of competency or impose any other conditions for the issuance of a municipal license except the payment of the customary fee. The municipality may issue building permits and conduct the necessary inspections in accordance with the uniform codes and charge fees therefor.
14. Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water supply, treatment, and service systems, and public transportation systems, provided, however, that:
 - (a) Franchises under this subsection may only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election.
 - (b) The county shall not operate a light, power, or telephone utility to serve any territory in the county which is being supplied with similar service except by a majority vote of those qualified electors voting in an election held not less than six months after the Board has passed an ordinance to that effect by a two-thirds vote of the members of the Board present. Such ordinance shall contain information on cost, method of financing, agency to regulate rates, agency to operate, location, and other information necessary to inform the general public of the feasibility and practicability of the proposed operation.
15. Use public funds for the purposes of promoting the development of the county, including advertising of the area's advantages.
16. Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas and approve municipal regulations on hours of sale of alcoholic beverages.
17. Enter into contracts with other governmental units within or outside the boundaries of the county for joint performance or performance by one unit in behalf of the other of any authorized function.
18. Set reasonable minimum standards for all governmental units in the county for the performance of any service or function. The standards shall not be discriminatory as between similar areas. If a governmental unit fails to comply with such standards, and does not correct such failure after reasonable notice by the Board, then the Board may take over and perform, regulate, or grant franchises to operate any such service. The Board may also take over and operate, or grant franchises to operate any municipal service if:
 - (a) In an election called by the Board of County Commissioners within the municipality a majority of those voting vote in favor of turning the service over to the county; or
 - (b) The governing body of the municipality requests the county to take over the service by a two-thirds vote of its members, or by referendum.

19. By ordinance, abolish or consolidate the office of constables, or any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, or to abolish or impair the jurisdiction of the Circuit Court or to abolish any other Court, provided by the Constitution or by general law, or the judges or clerks thereof.
20. Make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records.
21. Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.
22. Adopt such ordinances and resolutions as may be required in the exercise of its powers, and prescribe fines and penalties for the violation of ordinances.
23. Perform any other acts consistent with law which are required by this Charter or which are in the common interest of the people of the county.
24. Supersede, nullify, or amend any special law applying to this county, or any general law applying only to this county, or any general law where specifically authorized by the Constitution.

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

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

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

SECTION 1.02. RESOLUTIONS AND ORDINANCES.

A. The Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

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

C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the

hearing, the Board may pass the ordinance with or without amendment. No provision herein shall prohibit a committee of the commission from conducting such public hearing, as provided by Section 1.08.

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

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

F. To meet a public emergency affecting life, health, property, or public safety the Board by two-thirds vote of the members of the Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Board shall have it published in full within ten days in a daily newspaper of general circulation.

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

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

SECTION 1.03. DISTRICTS.

A. There shall be thirteen County Commission districts. The current boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.

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

SECTION 1.04. COMPOSITION OF THE COMMISSION.

The Commission shall consist of thirteen members, each of whom shall be a qualified elector residing within his or her district for at least six months and within the County for at least three years before qualifying and who shall be elected by the qualified electors of his or her district.

SECTION 1.05. FORFEITURE OF OFFICE.

A. Any member of the Board of County Commissioners who ceases to be a qualified voter of the county or removes himself from the county or the district from which he was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his office. Any Commissioner who ceases to reside in the district which he represents shall also immediately forfeit his office.

B. Any elected or appointed county official who holds any other elective office, whether federal, state or municipal, shall forfeit his county position, provided that the provisions of this subsection shall not apply to any officials presently holding such other office during the remainder of the present terms.

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

SECTION 1.06. SALARY.

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

SECTION 1.07. VACANCIES.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

SECTION 1.08. ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES.

The Mayor shall not be a member of the Commission. The Commission shall select the chairperson and vice-chairperson of the Commission. The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.

The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission may appoint its members or authorize the Chairperson to appoint committee members. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

ARTICLE - 2

MAYOR

Note: By special election called pursuant to Resolution No. R-573-10, and held on August 24, 2010, the voters amended Section 2.02 effective the second Tuesday next succeeding the date of the general election held November 2012 as indicated in the endnote. See, pp. 26-28 hereof.

SECTION 2.01. ELECTION OF MAYOR.

There shall be elected by the qualified electors of the county at large a Mayor who shall be a qualified elector residing within the county at least three years before qualifying. The Mayor shall not serve as a member of the Commission.

SECTION 2.02. RESPONSIBILITIES OF THE MAYOR.

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

A. The Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Commission. The Mayor, or such other persons who may be designated by the Mayor, shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness. The Mayor shall serve as the head of the County for emergency management purposes.

B. The Mayor shall have the right to attend and be heard at any regular or special open session meeting of the Commission, but not the right to vote at such meetings.

C. The Mayor shall appoint the County Manager unless such appointment is disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall have the authority to dismiss the County Manager.

D. Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause.

E. The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.

F. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners.

G. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.

ARTICLE - 3

ELECTIONS

SECTION 3.01. ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections.

B. A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, beginning with the elections in 2004, the terms of office of the Mayor and County Commissioners shall commence on the second Tuesday next succeeding the date of the general election in November.

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

SECTION 3.02. RESERVED.

SECTION 3.03. NONPARTISAN ELECTIONS.

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

SECTION 3.04. QUALIFICATIONS AND FILING FEE.

A. All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk of the Circuit Court no earlier than the 84th day and no later than noon on the 70th day prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

B. Notwithstanding the foregoing, a person who seeks to qualify as a candidate for the office of Mayor or County Commissioner and who meets the petition requirements of this section is not required to pay the filing fee required by this section or any other qualifying fee required by the state (collectively the "Qualifying Fee"). A candidate who seeks to qualify without paying the Qualifying Fee must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Supervisor of Elections for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to state law. The format of the petition shall be prescribed by the Supervisor of Elections and shall be used by candidates to reproduce petitions for circulation. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the Supervisor of Elections. The Supervisor shall check the signatures on the petitions to verify their status as voters in the geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the Supervisor of Elections shall certify the number of valid signatures. The Supervisor of Elections shall determine whether the required number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall be eligible to qualify pursuant to this section without paying the Qualifying Fee.

SECTION 3.05. RESERVED.

SECTION 3.06. ADDITIONAL REGULATIONS AND STATE LAWS.

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

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

SECTION 3.07. CANVASSING ELECTIONS.

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

ARTICLE - 4
COUNTY MANAGER

Note: By special election called pursuant to Resolution No. R-573-10, and held on August 24, 2010, the voters deleted Article 4 of the Home Rule Charter effective the second Tuesday next succeeding the date of the general election held November 2012 as indicated in the endnote. See, pp. 26-28 hereof.

SECTION 4.01. FUNCTIONS.

The Manager shall serve under the direction of the Mayor and, as directed by the Mayor, shall assist the Mayor in the administration of County government. The Manager's compensation shall be set by the Mayor.

SECTION 4.02. QUALIFICATIONS.

The Manager shall be chosen on the basis of the Manager's executive and administrative qualifications. At the time of the Manager's appointment the Manager need not be a resident of the state. Neither the Mayor nor any Commissioner shall be eligible for the position of Manager during or within two years after the expiration of their respective terms.

SECTION 4.03. ABSENCE OF MANAGER.

The Mayor shall designate a qualified administrative officer of the County to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager unless disapproved by a two-thirds majority of the Commission at its next regularly scheduled meeting.

SECTION 4.04. RESTRICTION ON THE COMMISSION MEMBERS.

A. No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request.

B. Except where otherwise prohibited by Ordinance, Commissioners shall be permitted to communicate and make inquiries of the administrative services for the purpose of transmitting constituent inquiries or assisting Commissioners in the exercise of their powers as set forth in Section 1.01A. Except as provided elsewhere in this Charter, Commissioners shall not be permitted to give orders, either publicly or privately, to any subordinate of the Mayor.

No County employee or official, other than the County Mayor or his or her designee, shall respond to or undertake any action to comply with any request by any Commissioner which violates the provisions of the preceding paragraph. The County Mayor shall not knowingly allow any Commissioner to deal with the administrative services in violation of the provisions of this section.

**ARTICLE - 5
ADMINISTRATIVE ORGANIZATION
AND PROCEDURE**

Note: By special election called pursuant to Resolution No. R-573-10, and held on August 24, 2010, the voters amended Section 5.06 and added a new Section 5.09 effective the second Tuesday next succeeding the date of the general election held November 2012 as indicated in the endnote. See, pp. 26-28 hereof.

SECTION 5.01. DEPARTMENTS.

There shall be departments of finance, personnel, planning, law, and such other departments as may be established by administrative order of the Mayor. All administrative functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Mayor.

SECTION 5.02. ADMINISTRATIVE PROCEDURE.

The Mayor shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of administrative departments shall be set forth in regulations, which the Mayor shall develop, place into effect by administrative orders, and submit to the Board.

SECTION 5.03. FINANCIAL ADMINISTRATION.

A. The department of finance shall be headed by a finance director appointed by the Mayor and the Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the county.

B. Between June 1 and July 15, the County Mayor should prepare a proposed budget containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Mayor, shall be presented by the Mayor or his or her designee to the Commission on or before the Board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget on or before the dates required by law.

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

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

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

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

G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of the accounts and finances of the county for the fiscal year just completed.

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

SECTION 5.04. ASSESSMENT AND COLLECTION OF TAXES.

A. Commencing with the general election to be held in November 2008 and every four years thereafter, the Miami-Dade County Property Appraiser shall be elected on a nonpartisan basis, by a majority of the qualified electors voting at a county-wide election held within Miami-Dade County, Florida.

B. Beginning with the tax year 1961, the county tax rolls prepared by the county shall be the only legal tax rolls in this county for the assessment and collection of county and municipal taxes. Thereafter no municipality shall have an assessor or prepare an ad valorem tax roll. Each municipality shall continue to have the right to adopt its own budget, fix its own millage, and levy its own taxes. Each municipality shall certify its levies to the County not later than 30 days after the county tax rolls have been finally approved by the Board. Any municipality may obtain a copy of this tax roll upon payment of the cost of preparing such a copy, and copies of the

tax rolls shall be available for public inspection at reasonable times. Maps showing the assessed valuation of each parcel of property may be prepared and made available for sale to the public at a reasonable price.

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

D. Delinquent municipal taxes shall be collected in the same manner as delinquent county taxes.

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

SECTION 5.05. DEPARTMENT OF PERSONNEL.

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

B. The Mayor shall appoint a personnel director who shall head the department of personnel and whose duty it shall be to administer the personnel and civil service programs and the rules governing them. The standards of such programs shall not be less than those prevailing at the time of the effective date of this Charter.

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

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

E. The pension plan presently provided by the state for county employees shall not be impaired by the Board. Employees of municipalities, who by merger, transfer, or assignment of governmental units or functions become county employees shall not lose their pension rights, or any reserves accrued to their benefit during their period of employment with such municipality. The Board of County Commissioners shall provide a method by which these employees' rights and reserves shall be protected, and these employees shall continue until retirement, dismissal, or death in a pension status no less beneficial than the status held by them at the time of merger or assignment.

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

SECTION 5.06. DEPARTMENT OF LAW.

There shall be a County Attorney appointed by the Board of County Commissioners, subject to veto by the Mayor unless overridden by a two-thirds majority of those Commissioners then in office who shall serve at the will of the Board and who shall head the department of law. He shall devote his full time to the service of the county and shall serve as legal counsel to the Board, Mayor, Manager, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him. He may appoint such assistants as may be necessary in order that his duties may be performed properly. The Board may employ special counsel for specific needs.

SECTION 5.07. DEPARTMENT OF PLANNING.

The department of planning shall be headed by a planning director appointed by the Mayor. The planning director shall be qualified in the field of planning by special training and experience. Under the supervision of the Mayor and with the advice of the Planning Advisory Board elsewhere provided for in this Charter, the planning director shall among other things:

1. Conduct studies of county population, land use, facilities, resources, and needs and other factors which influence the county's development, and on the basis of such studies prepare such official and other maps and reports as, taken together, constitute a master plan for the welfare, recreational, economic, and physical development of the county.
2. Prepare for review by the Planning Advisory Board, and for adoption by the Board of County Commissioners, zoning, subdivision and related regulations for the unincorporated areas of the county and minimum standards governing zoning, subdivision, and related regulations for the municipalities; and prepare recommendations to effectuate the master plan and to coordinate the county's proposed capital improvements with the master plan.
3. Review the municipal systems of planning, zoning, subdivision, and related regulations and make recommendations thereon with a view of coordinating such municipal systems with one another and with those of the county.

SECTION 5.08. BOARDS.

A. The Board of County Commissioners shall by ordinance create a Planning Advisory Board, a Zoning Appeals Board, and such other boards as it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory or quasi-judicial duties of members of such boards, who shall serve without compensation but who may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the Board of County Commissioners.

B. The Board of County Commissioners may by ordinance provide for the expansion of the City of Miami Water and Sewer Board to an agency county-wide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Dade County, which agency shall be known as the Miami-Dade Water and Sewer Authority. The Miami-Dade Water and Sewer Authority shall have the responsibility to develop and operate a county-wide water and sewer system for the purpose of providing potable water, sewage collection and disposal and water pollution abatement to the citizens of Dade County.

C. Dade County shall retain all its powers, including but not limited to that of eminent domain, in relation to the creation of a county-wide water and sewer system, for the purpose of cooperating with the Miami-Dade Water and Sewer Authority.

ARTICLE - 6 MUNICIPALITIES

SECTION 6.01. CONTINUANCE OF MUNICIPALITIES.

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality. The right of self determination in local affairs is reserved and preserved to the municipalities except as otherwise provided in this Charter.

SECTION 6.02. MUNICIPAL POWERS.

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

SECTION 6.03. MUNICIPAL CHARTERS.

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

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

SECTION 6.04. CHANGES IN MUNICIPAL BOUNDARIES.

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, unless the change involves the annexation or separation of an area of which more than 250 residents are electors, in which case an affirmative vote of a majority of those electors voting shall also be required. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended. C. No municipal boundary shall be altered except as provided by this Section.

SECTION 6.05. CREATION OF NEW MUNICIPALITIES.

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter can only be changed if approved by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors.

SECTION 6.06. CONTRACTS WITH OTHER UNITS OF GOVERNMENT.

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

SECTION 6.07. **FRANCHISE AND UTILITY TAXES.**

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

ARTICLE - 7
PARKS, AQUATIC PRESERVES, AND
PRESERVATION LANDS

Note: This Article does not apply to municipal property in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami. See Section 7.04.

SECTION 7.01. **POLICY.**

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

SECTION 7.02. **RESTRICTIONS AND EXCEPTIONS.**

In furtherance of this policy parks shall be used for public park purposes only, and subject to the limited exceptions set forth in this Article, there shall be no permanent structures or private commercial advertising erected in a public park or private commercial use of a public park or renewals, expansions, or extensions of existing leases, licenses, or concessions to private parties of public park property, unless each such structure, lease, license, renewal, expansion, extension, concession or use shall be approved by a majority vote of the voters in a County-wide referendum. Nothing in this Article shall prevent any contract with federally tax-exempt not-for-profit youth, adult, and senior cultural, conservation and parks and recreation program providers. To ensure aquatic preserves, lands acquired by the County for preservation, and public parks or parts thereof which are nature preserves, beaches, natural forest areas, historic or archeological areas, or otherwise possess unique natural values in their present state, such as Matheson Hammock, Reynolds Park, Redlands Fruit and Spice Park, Castellow Hammock, Crandon Park, Trail Glades Park, Deering Estate Park, Pine Shore Park, Old Cutler Hammock, Chapman Field, Tamiami Pinelands, Wainright Park, Larry and Penny Thompson Park, Whispering Pines Hammock, Mangrove Preserve, Owaissa Bauer Park, Fuchs Hammock, Black Point Marina, Simpson Park, Sewell Park, Barnes Park, Virginia Key, mangrove preserves, and all other natural or historical resource based parks do not lose their natural or historical values, any structure, lease, license, renewal, extension, concession or use in any of this class of public parks or in aquatic preserves and preservation lands must be approved by an affirmative vote of two-thirds of the voters in a County-wide referendum. No park shall be designed to be used beyond its appropriate carrying capacity and to the extent required by law all parks and facilities and permitted special events and concessions operating in the parks shall be fully accessible to persons with disabilities. Nothing in this Article shall prevent the maintenance of existing facilities, the maintenance, operation, and renovation of existing golf course and marina restaurants at their existing square footage by government agencies or private operators, provided such private operators are chosen as a result of competitive selection and their initial contract terms are limited to no more than ten years, or the construction, operation, maintenance, and repair by government agencies or private operators of or issuance of temporary permits for:

A. Appropriate access roads, bridges, fences, lighting, flag poles, entrance features, picnic shelters, tables, grills, benches, irrigation systems, walls, erosion control devices, utilities, trash removal, parking and security and fire facilities for the primary use of the park system;

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

C. User-participation non-spectator recreation and, playground facilities, golf courses and golf-course related facilities, and bandstands and band shells containing less than 1,000 spectator seats and athletic facilities, sports fields and arenas containing less than 3,000 spectator seats;

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

E. Park signage and appropriate plaques and monuments;

F. Rest rooms;

G. Fountains, gardens, and works of art;

H. Park service facilities, senior, day care and preschool facilities, small nature centers with not more than one classroom;

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

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

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

L. Agreements with cable, internet, telephone, electric or similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities and uses.

No park facilities, golf courses, or County lands acquired for preservation shall be converted to or used for non-park offices, purposes, or uses. The County, the municipalities, and agencies or groups receiving any public funding shall not expend any public money or provide any publicly funded services in kind to any project which does not comply with this Article. No building permit or certificate of occupancy shall be issued for any structure in violation of this Article. The restrictions applying to parks in this Article shall not apply to the Dade County Youth Fair site, Metro Zoo, Tamiami Stadium, Haulover Fishing Pier, the Dade County Auditorium, the Museum of Science, the Gold Coast Railroad Museum, Vizcaya Museum and Gardens, Trail Glade Range, the Orange Bowl, the Commodore Ralph Munroe Marine Stadium, the Seaquarium, Curtis Park track and stadium, Fairchild Tropical Gardens, and mini and neighborhood parks except that no mini or neighborhood park may be leased or disposed of unless a majority of the residents residing in voting precincts any part of which is within 1 mile of the park authorize such sale or lease by majority vote in an election.

SECTION 7.03. ENFORCEMENT AND CONSTRUCTION.

All elections required by this Article shall be held either in conjunction with state primary or general elections or as part of bond issue elections. The provisions of this Article may be enforced in the same manner as provided in Section (C) of the Citizens' Bill of Rights of this Charter. The provisions of this Article shall be liberally construed in favor of the preservation of all park lands, aquatic preserves, and preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

SECTION 7.04. JURISDICTION.

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

ARTICLE - 8

INITIATIVE, REFERENDUM, AND RECALL

SECTION 8.01. INITIATIVE AND REFERENDUM.

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

1. The person proposing the exercise of this power shall submit the proposal, including proposed ballot language to the Clerk of the Circuit Court who shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire. A public hearing shall be held on the proposal at the next Board of County Commissioner meeting subsequent to the date the Clerk approves the petition as to form.
2. The person or persons circulating the petition shall, within 60 days of the approval of the form of the petition, obtain the valid signatures of voters in the county in numbers at least equal to four percent of the registered voters in the county on the day on which the petition is approved, according to the official records of the County Supervisor of Elections. In determining the sufficiency of the petition, no more than 25 percent of the valid signatures required shall come from voters registered in any single county commission district. Each signer of a petition shall place thereon, after his name, the date, and his place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
3. The signed petition shall be filed with the Board which shall within 30 days order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this Section, the Board shall notify the person filing the petition that the petition is insufficient and has failed.
4. The Board may within 30 days after the date a sufficient petition is presented adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition. If the Board does not adopt or repeal the ordinance as provided above, then the proposal shall be placed on the ballot without further action of the Board.
5. If the proposal is submitted to the electors, the election shall be held either:
 - (a) In the next scheduled county-wide election, or
 - (b) If the petition contains the valid signatures in the county in numbers at least equal to eight percent of the registered voters in the county, the election shall take place on the first Tuesday after 120 days from certification of the petition. The result shall be determinedly a majority vote of the electors voting on the proposal.
6. An ordinance proposed by initiatory petition or the repeal of an ordinance by referendary petition shall be effective on the day after the election, except that:
 - (a) Any reduction or elimination of existing revenue or any increase in expenditures not provided for by the current budget or by existing bond issues shall not take effect until the beginning of the next succeeding fiscal year; and
 - (b) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Board and the repeal of the ordinance by the voters, shall not be enforced against the county; and

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

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

SECTION 8.02. RECALL.

Any member of the Board of County Commissioners, the Mayor, the Property Appraiser, the Sheriff or Constable maybe removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition.
2. The person or persons circulating the petition must obtain signatures of electors of the county, district, or municipality concerned in numbers at least equal to four percent of the registered voters in the county district or municipality on the day on which the petition is approved, according to the official records of the County Supervisor of Elections.
3. The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.
4. The Board of County Commissioners must provide for a recall election not less than 45 nor more than 90 days after the certification of the petition.
5. The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.
6. If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall he shall, regardless of any defect in the recall petition, be deemed removed from office immediately.
7. No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.

ARTICLE - 9

GENERAL PROVISIONS

SECTION 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.

A. On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the Mayor, who shall assume all the duties and functions of these offices required under the Constitution and general laws of this state: County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration. The Mayor may delegate to a suitable person or persons the powers and functions of such offices.

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

C. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required

under the Constitution and general laws of this state. The Mayor may delegate to a suitable person or persons the powers and functions of such office.

SECTION 9.02. RESERVED.

SECTION 9.03. TORT LIABILITY.

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

Note: Waiver of County's tort immunity held unconstitutional in Kaulakis v. Boyd, Fla. 1962, 138 So.2d 505.

SECTION 9.04. SUPREMACY CLAUSE.

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

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

SECTION 9.05. EXISTING FRANCHISES, CONTRACTS, AND LICENSES.

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

SECTION 9.06. EFFECT OF THE CHARTER.

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

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

SECTION 9.07. AMENDMENTS.

A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted. An initiative petition to amend this Charter shall be submitted, together with proposed ballot language, to the Clerk of the Circuit Court, who shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.

B. Amendments to this Charter may be proposed by initiatory petitions of electors. The Board of County Commissioners shall call an election to be held within 60-120 days of the date that a certified petition is presented to the County Commission. Such election shall be called in conjunction with a countywide election; however, if no countywide election is scheduled to occur within 60-120 days of presentation, a special election on the petition shall be called.

C. Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held not less than 60 nor more than 120 days after the Board adopts a resolution proposing any amendment.

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

SECTION 9.08. REVISIONS.

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

SECTION 9.09. EFFECTIVE DATE.

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

SECTION 9.10. COMMISSION AUDITOR.

There is hereby created and established the Office of the Commission Auditor. The Commission Auditor, who shall be a certified public accountant, will be selected by the County Commission and shall report directly to the County Commission. The County Commission shall provide by ordinance for the specific functions and responsibilities of the Commission Auditor, which shall include but not be limited to providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.

ARTICLE - 10 NAME OF COUNTY

SECTION 10.01. NAME OF COUNTY.

A. The name of Dade County shall officially be changed to Miami-Dade County and all references to Dade County in the Florida Constitution, Florida Statutes, Code of Metropolitan Dade County, federal law, case law and other legal documents, shall be deemed to be references to Miami-Dade County.

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

Note: Miami-Dade County Ordinance 97-212. This ordinance is codified in Section 1-4.2 in the Code of Ordinances and is recorded in the Official Records of Miami-Dade County, Florida at Book 17968, Page 0498.

Endnote (Affecting Section 2.02, Article 4, and Sections 5.06 and 5.09): Effective the second Tuesday next succeeding the date of the general election held November 2012 the words stricken through shall be deleted from the Charter and the words underscored shall be added with the remaining provisions that are now in effect to remain unchanged as follows:

ARTICLE - 2 MAYOR

* * *

SECTION 2.02. RESPONSIBILITIES OF THE MAYOR.

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

A. The Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Commission. The Mayor, or such other persons who may be designated by the Mayor, shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness. The Mayor shall serve as the head of the County for emergency management purposes.

B. The Mayor shall have the right to attend and be heard at any regular or special open session meeting of the Commission, but not the right to vote at such meetings.

~~C. The Mayor shall appoint the County Manager unless such appointment is disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall have the authority to dismiss the County Manager.~~

D.C. Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause.

E.D. The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.

F.E. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners.

G.F. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.

* * *

ARTICLE - 4

COUNTY MANAGER RESERVED

SECTION 4.01. FUNCTIONS.

~~The Manager shall serve under the direction of the Mayor and, as directed by the Mayor, shall assist the Mayor in the administration of County government. The Manager's compensation shall be set by the Mayor.~~

SECTION 4.02. QUALIFICATIONS.

~~The Manager shall be chosen on the basis of the Manager's executive and administrative qualifications. At the time of the Manager's appointment the Manager need not be a resident of the state. Neither the Mayor nor any Commissioner shall be eligible for the position of Manager during or within two years after the expiration of their respective terms.~~

SECTION 4.03. ABSENCE OF MANAGER.

~~The Mayor shall designate a qualified administrative officer of the County to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager unless disapproved by a two-thirds majority of the Commission at its next regularly scheduled meeting.~~

SECTION 4.04. RESTRICTION ON THE COMMISSION MEMBERS.

A. ~~No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request.~~

B. ~~Except where otherwise prohibited by Ordinance, Commissioners shall be permitted to communicate and make inquiries of the administrative services for the purpose of transmitting constituent inquiries or assisting Commissioners in the exercise of their powers as set forth in Section 1.01A. Except as provided elsewhere in this Charter, Commissioners shall not be permitted to give orders, either publicly or privately, to any subordinate of the Mayor.~~

~~No County employee or official, other than the County Mayor or his or her designee, shall respond to or undertake any action to comply with any request by any Commissioner which violates the provisions of the preceding paragraph. The County Mayor shall not knowingly allow any Commissioner to deal with the administrative services in violation of the provisions of this section.~~

* * *

ARTICLE - 5
ADMINISTRATIVE ORGANIZATION
AND PROCEDURE

* * *

SECTION 5.06. DEPARTMENT OF LAW.

There shall be a County Attorney appointed by the Board of County Commissioners, subject to veto by the Mayor unless overridden by a two-thirds majority of those Commissioners then in office who shall serve at the will of the Board and who shall head the department of law. He shall devote his full time to the service of the county and shall serve as legal counsel to the Board, Mayor, ~~Manager~~, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him. He may appoint such assistants as may be necessary in order that his duties may be performed properly. The Board may employ special counsel for specific needs.

* * *

SECTION 5.09. RESTRICTION ON THE COMMISSION MEMBERS.

A. No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request.

B. Except where otherwise prohibited by Ordinance, Commissioners shall be permitted to communicate and make inquiries of the administrative services for the purpose of transmitting constituent inquiries or assisting Commissioners in the exercise of their powers as set forth in Section 1.01A. Except as provided elsewhere in this Charter, Commissioners shall not be permitted to give orders, either publicly or privately, to any subordinate of the Mayor.

No County employee or official, other than the County Mayor or his or her designee, shall respond to or undertake any action to comply with any request by any Commissioner which violates the provisions of the preceding paragraph. The County Mayor shall not knowingly allow any Commissioner to deal with the administrative services in violation of the provisions of this section.

**SIGNERS OF METROPOLITAN CHARTER
BOOK 182 PAGE 691**

The Metropolitan Charter Board of Dade County, Florida, hereby delivers to E.B. Leatherman as Clerk of the Circuit Court of Dade County, Florida, the foregoing proposed Charter for Dade County, and certifies that it has been prepared by the Metropolitan Charter Board pursuant to Chapter 31420, Laws of Florida, Acts of 1956 Extraordinary Session.

Charles H. Crandon	William L. Pallot
Maxine E. Baker	Franklin Parson
George H. Cooper	Kurt Peiser
William Grogan	W. Keith Phillips
Malvina W. Liebman	J. D. Ryan
George S. Okell, Sr.	Williams D. Singer
Max Orovitz	H. Franklin Williams
Joseph J. Orr	Mitchell Wolfson

Chairman

S. D. Phillips, Jr.

April 15, 1957

April 15, 1957

3 « up

908 F.2d 1540

59 USLW 2144

Carrie MEEK, et al., Plaintiffs-Appellants,
 v.
 METROPOLITAN DADE COUNTY, et al., Defendants-Appellees.

No. 89-5146.

**United States Court of Appeals,
 Eleventh Circuit.**

Aug. 17, 1990.

Stephen M. Cody, Miami, Fla., for plaintiffs-appellants.

Murray A. Greenberg, Robert A. Duvall, Miami, Fla., for defendants-appellees.

Appeal from the United States District Court for the Southern District of Florida.

Before KRAVITCH and JOHNSON, Circuit Judges, and KAUFMAN*, Senior District Judge.

KRAVITCH, Circuit Judge:

1 Carrie Meek and other plaintiffs appeal from the district court's grant of summary judgment in favor of Metropolitan Dade County, Florida ("the county"). The district court held that the plaintiffs failed to establish certain required elements of their vote dilution case, and therefore granted summary judgment for the defendants and denied the plaintiffs' summary judgment motion. Because the district court erred in applying the law regarding vote dilution, we reverse and remand.

BACKGROUND

2 The plaintiffs, Black and Hispanic citizens and registered voters of Dade County, brought suit against the county alleging that the at-large scheme for the election of the Board of County Commissioners, which is the legislative and governing body of the county, violated section two of the Voting Rights Act by diluting Black and Hispanic voting strength.¹ Although the county has an ethnically diverse population, the three major groups, as identified by the parties and the district court, are: Blacks, Hispanics, and Non Latin Whites. None of the groups constitutes a majority of the total number of registered voters. As the district court noted: "Non Latin Whites comprise approximately 37 percent of the population and 48.67 percent of the registered voters; Hispanics (including Hispanics born in the United States) comprise approximately 43 percent of the population and 32.96 percent of the registered voters; and Blacks comprise approximately 20 percent of the population and 18.37 percent of the registered voters of Dade County." *Meek v. Metropolitan Dade County, Florida, No. 86-1820, slip op. at 15 (S.D.Fla. Oct. 5, 1988) [hereinafter Order of October 5, 1988].*

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« up The county electoral system for county commissioners is part of a so-called "federated plan" that provides for the allocation of authority between the county and the metropolitan governments. The county commission is composed of a mayor and eight commissioners. Although the mayor may live anywhere in the county, each of the commissioners must reside in a different one of the eight residence districts. Each commissioner, however, must run for election county-wide. Thus, although the county is divided into various residence districts, the elections are conducted at-large and county-wide.

The plaintiffs' vote dilution claim was brought under section two of the Voting Rights Act as amended in 1982.² The Supreme Court in *Thornburg v. Gingles* stated that:

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[t]he essence of a Sec. 2 claim is that a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by black and white voters to elect their preferred representatives. This Court has long recognized that multi-member districts and at-large voting schemes may "operate to minimize or cancel out the voting strength of racial [minorities in] the voting population.' "

478 U.S. 30, 47, 106 S.Ct. 2752, 2764, 92 L.Ed.2d 25 (1986) (citation and footnote omitted) (interpolation in original). The Court further explicated the requirements a plaintiff must meet in pursuing a section two vote dilution claim:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. If it is not, as would be the case in a substantially integrated district, the multi-member form of the district cannot be responsible for minority voters' inability to elect its candidates. Second, the minority group must be able to show that it is politically cohesive. If the minority group is not politically cohesive, it cannot be said that the selection of a multimember electoral structure thwarts distinctive minority group interests. Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it--in the absence of special circumstances, such as the minority candidate running unopposed--usually to defeat the minority's preferred candidate. In establishing this last circumstance, the minority group demonstrates that submergence in a white multimember district impedes its ability to elect its chosen representatives.

Gingles, 478 U.S. at 50-51, 106 S.Ct. at 2766-67 (footnotes and citations omitted; emphasis in original).

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The Court further explained the causation threshold of *Gingles* as follows:

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The reason that a minority group making such a challenge must show, as a threshold matter, that it is sufficiently large and geographically compact to constitute a majority in a single-member district is this: Unless minority voters possess the potential to elect representatives in the absence of the challenged structure or practice, they cannot claim to have been injured by that structure or practice. The single-member district is generally the appropriate standard against which to measure minority group potential to elect because it is the smallest political unit from which representatives are elected. Thus, if the minority group is spread evenly throughout a multimember district, or if, although geographically compact, the minority group is so small in relation to the surrounding white population that it could not constitute a majority in a single-member district, these minority voters cannot maintain that they would have been able to elect

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representatives of their choice in the absence of the multimember electoral structure. As two commentators have explained:

"To demonstrate [that minority voters are injured by at-large elections], the minority voters must be sufficiently concentrated and politically cohesive that a putative districting plan would result in districts in which members of a racial minority would constitute a majority of the voters, whose clear electoral choices are in fact defeated by at-large voting. If minority voters' residences are substantially integrated throughout the jurisdiction, the at-large district cannot be blamed for the defeat of minority-supported candidates.... [This standard] thus would only protect racial minority votes from diminution proximately caused by the district plan; it would not assure racial minorities proportional representation." Blacksher & Menefee 55-66 (footnotes omitted; emphasis added).

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Gingles, 478 U.S. at 50, 106 S.Ct. at 2766 n. 17.

While the full contours of Gingles have not been agreed upon by this circuit, it is clear that the plaintiff must establish the three core Gingles factors in order to prevail on a vote dilution claim. See *Solomon v. Liberty County*, 899 F.2d 1012, 1017-21 (Kravitch, J., specially concurring), 899 F.2d at 1037 (Tjoflat, C.J., specially concurring) (11th Cir.1990) (evenly divided en banc court).

The district court's order granting summary judgment in favor of the county held that the plaintiffs had not established that the Non Latin White bloc voting was "legally sufficient" because the plaintiffs had not proved "the existence of a Non Latin White bloc majority that usually defeats the election of the minority's preferred candidate."³ The district court reasoned that where Non Latin Whites did not constitute a majority, Non Latin White bloc voting could not, through numerical superiority, defeat the choice of minority voters.

After the plaintiffs filed a motion to alter and amend the judgment, the district court, albeit conceding that it had erred in its understanding of the statistical data, issued an opinion denying the motion. The district court found that Hispanics were in fact politically cohesive, but nevertheless the district court refused to alter the judgment because the plaintiffs still had not proved the third Gingles factor of legally significant Non Latin White bloc voting that caused defeat at the polls for the minorities' preferred candidates.

JURISDICTION

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The county contends that we lack jurisdiction because the plaintiff-appellants failed to give timely notice of appeal. We disagree. A clerk in the district court provided plaintiffs' counsel with contradictory information concerning the date upon which the order denying the plaintiffs' motion to alter the judgment was entered. The clerk's statement to counsel led him to believe that the time for appeal under Fed.R.App.P. 4(a) had already expired, although in fact counsel still had two remaining days to file a notice of appeal. Had counsel been informed accurately, he would have been able to file a timely notice of appeal. He was led, however, by the district court clerk's statement to believe that his only avenue was through Fed.R.App.P. 4(a)(5), which permits the district court, upon a showing of excusable neglect or good cause to extend the time for filing a notice of appeal upon motion filed not later than 30 days after the expiration of the time prescribed by Rule 4(a). Fed.R.App.P. 4(a) establishes the period for timely appeal in a civil case.

We have noted previously that the addition of the "good cause" language

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"indicates that the standard should be interpreted flexibly." *Davis v. Page*, 618 F.2d 374, 378 (5th Cir.1980) (citation omitted), *aff'd in part and rev'd in part on other grounds*, 640 F.2d 599 (1981) (en banc),⁴ vacated on other grounds, 458 U.S. 1118, 102 S.Ct. 3504, 73 L.Ed.2d 1380 (1982). We hold that counsel's justifiable reliance on the district court clerk's erroneous information provides "good cause" under the unique circumstances of this case. Furthermore, this court, rather than "second-guess" the district court, defers to the district court so long as its decision does not constitute an abuse of discretion. *Id.*; see also *Chipser v. Kohlmeyer & Co.*, 600 F.2d 1061, 1063 (5th Cir.1979). Accordingly, we conclude that the extension of time was properly granted, the notice of appeal was timely filed, and that we have jurisdiction.

SUMMARY JUDGMENT AND STANDARD OF REVIEW

The county contends that it was entitled to summary judgment as a matter of law because the plaintiffs failed to "establish the existence of an essential element [of their case], and on which [they] will bear the burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S.Ct. 2548, 2552, 91 L.Ed.2d 265 (1986). The district court agreed that the plaintiffs had failed to satisfy the third Gingles prong.

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Generally, in summary judgment we review the district court's legal conclusions *de novo*. We are mindful that after trial of a vote dilution case, "the clearly erroneous test of Rule 52(a) is the appropriate standard for appellate review of a finding of vote dilution." *Gingles*, 478 U.S. at 79, 106 S.Ct. at 2781. Nevertheless, we may "correct errors of law, including those that may infect a so-called mixed finding of law and fact, or a finding of fact that is predicated on a misunderstanding of the governing rule of law." *Id.* (quoting *Bose Corp. v. Consumers Union of U.S., Inc.*, 466 U.S. 485, 104 S.Ct. 1949, 80 L.Ed.2d 502 (1984) (citing *Pullman-Standard v. Swint*, 456 U.S. 273, 287, 102 S.Ct. 1781, 1789, 72 L.Ed.2d 66 (1982))). In this case, the district court's conclusion was premised on an erroneous application of the law, and we therefore reverse for application of "the governing rule of law."

APPLYING GINGLES

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As noted above, this circuit is divided on the proper application of Gingles. In *Solomon*, the evenly divided court was united in stating that a plaintiff, at a minimum, must satisfy the three core Gingles factors. The en banc court divided on the question of whether proof of the three core Gingles factors was sufficient and whether a defendant could raise as a defense the lack of racial bias in the community. As the court is of the unanimous opinion that the three core Gingles factors are necessary prerequisites to a vote dilution case, see *Solomon*, 899 F.2d at 1017-18 (Kravitch, J., specially concurring), 899 F.2d at 1034-36 (Tjoflat, C.J., specially concurring), we will discuss these requirements first as our resolution of the issues concerning the core factors may moot further concerns.

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The heart of the dispute relates to the ability of the Non Latin White bloc usually to defeat the minority group's choice. The district court did not decide whether Non Latin White voters constituted a majority of the Dade County registered voters as the district court chose to decide "the case on other grounds...." *Meek v. Metropolitan Dade County, Florida*, No. 86-1820, slip op. at 9 (S.D.Fla. Nov. 6, 1988) [hereinafter *Order of November 6, 1988*]. The ground relied upon by the district court was that the Non Latin White voting bloc, the existence of which the district court "cannot deny," *id.* at 8, did not cause the election losses suffered by Black and Hispanic voters. The court stated that to support the third prong of the

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Gingles test, "it is imperative that the plaintiffs demonstrate that the Non Latin White community not only vote [sic] as a bloc, but that they are a voting bloc majority." Order of October 5, 1988 at 20.

The district court's overall conclusion, common to both Blacks and Hispanics, that the Non Latin Whites did not cause the loss of candidates of either group rested on differing grounds as to each group. The district court applied different rationales to the vote dilution claim of Blacks and Hispanics.

Dilution of the Black Vote

23 In its first order, the district court, noted that:

a keen hostility in fact exists between ... [Blacks and Hispanics. The expert's] affidavit shows that without exception, when a Black or Hispanic candidate is running against a Non Latin White candidate, the other minority group will vote for the Non Latin White.... In these elections [where Black candidates lost by a small margin], had there been no hostility between Blacks and Hispanics, the election of the Black over the Non Latin White would have been all but guaranteed.

Order of October 5, 1988 at 24 (record citation omitted).

In its second order, the district court reiterated that "one of the many conceivable reasons why Blacks in Dade County have difficulty in electing their preferred candidates [is that] Hispanics do not vote for them." Order of November 6, 1988 at 8. The district court then attributed Black losses, not to the white voting bloc's refusal to vote for the Black candidate, but to "[o]ther important factors includ[ing] lack of Hispanic support, name recognition, incumbency, low voter turnout, etc." The district court concluded that because in that court's view the plaintiffs had "failed to satisfy the causation element of Thornburg [v. Gingles] 's third prong, their claim of vote dilution must fail." Id.

27 The district court erred in its application of the causation prong of the Gingles analysis. The district court was aware that the "multi-ethnic" nature of Dade County differed from the simple majority/minority context contemplated by Gingles. The district court, noting the hostility between Blacks and Hispanics, implicitly recognized that the hostility created a permanent anti-minority majority in Dade County, with Blacks siding with Non Latin Whites against Hispanic candidates, and Hispanics siding with Non Latin Whites against Black candidates. The district court, however, did not attribute to this phenomenon the appropriate legal significance.

Keeping in mind the Court's admonition that "[t]he essence of a Sec. 2 claim is that a certain law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by black and white voters to elect their preferred representative[.]" we consider the "functional effect" of the existing system. 478 U.S. at 48, 106 S.Ct. at 2765 n. 15. Here the social reality is that Black and Hispanic voters are hostile toward each other in the electoral arena. Similarly, Non Latin Whites are politically cohesive and tend not to vote for Hispanics or Blacks. The district court concluded that because Non Latin Whites by themselves could not block the electoral success of Blacks, Blacks had not succeeded in proving that Non Latin Whites caused the defeat of "minority" voters. The district court erred in failing to recognize that coalitions can form a legally significant voting bloc, and that a coalition of Hispanics and Non Latin Whites could form the relevant majority voting bloc for the purpose of the third Gingles

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« up factor.

Dilution of the Hispanic Vote

As to Hispanics in particular, the district court apparently concluded that Hispanic candidates did not lose because they lacked Black support; instead, Hispanic candidates lost because Hispanics were under-registered to vote in proportion to their population. The district court reasoned:

the fact that the Hispanic population in Dade County is actually larger in size than any other group in the county including Non Latin Whites, that Hispanics could also be the largest segment of registered voters with an effective registration drive, and that it is conceivable that Non Latin Whites are not even a majority of the registered voters in Dade County, all combine to defeat the Hispanic defendants [sic] claims that their votes are being impermissibly diluted by a legally significant Non Latin White voting bloc.

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Order of November 6, 1988 at 9-10.

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In considering the import of the large population percentage of Hispanics, the district court in its initial order noted the authority of *Zimmer v. McKeithen*, 485 F.2d 1297 (5th Cir.1973) (en banc), aff'd sub nom. *East Carroll Parish School Board v. Marshall*, 424 U.S. 636, 96 S.Ct. 1083, 47 L.Ed.2d 296 (1976). In *McKeithen*, the en banc court reversed the trial court and panel decisions, which had "held that an at-large scheme cannot work a dilution of black voting strength where blacks, though constituting a minority of registered voters, comprise a majority of the total population of the parish." 485 F.2d at 1300. Hence, the district court here properly rejected the county's contention that Gingles could not apply at all in a setting where the Non Latin White bloc did not constitute a majority of the total population. Nevertheless, the district court interpreted the third Gingles prong as requiring the plaintiffs to prove that the Non Latin White bloc in and of itself could defeat the minority choice.

The district court concluded that Non Latin White bloc voting did not cause the defeat of Hispanic candidates; rather, the failure of Hispanics to register to vote was the reason Hispanics lost, i.e., if Hispanics registered and voted, their electoral success would be guaranteed. Critical to the district court's conclusion was its finding that Hispanics could constitute "the largest segment of registered voters with an effective registration drive." Order of November 6, 1988 at 10. There was, however, no evidence before the district court of voting age populations. The only evidence related to total population and numbers of registered voters.⁵ We must, therefore, conclude that the district court erred in concluding that Hispanic underregistration causes electoral losses as there is no evidence of the relative numbers of voting age persons in the various voting blocs.⁶

We conclude that Hispanics lose because Non Latin White candidates receive more racially polarized votes than Hispanic candidates. Furthermore, given the polarization of voting and the hostility between Blacks and Hispanics, the fact that Hispanics constitute no more than approximately 32.96% of registered voters⁷ leads to the conclusion that Non Latin Whites and hostile politically cohesive Blacks form the remaining majority. Non Latin Whites alone are 48.67% of the registered voters.⁸ In light of the district court's finding that Blacks and Non Latin Whites are politically cohesive and tend to vote against Hispanic candidates, such a setting is ripe for a vote dilution claim, and the Hispanic plaintiffs have demonstrated the

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« up third Gingles factor, that they usually are denied the opportunity to elect their preferred representatives because of an opposing voting bloc.

The County's Contentions

The county argues that the plaintiffs fail under Gingles because they cannot satisfy their burden of demonstrating that the plaintiff minority class will be able to elect more representatives under a single-member district plan than it now elects under the at-large scheme. In support of its claim, the county points to the first Gingles factor, which requires the minority group "to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. If it is not, as would be the case in a substantially integrated district, the multi-member form of the district cannot be responsible for minority voters' inability to elect its candidates." 478 U.S. at 50, 106 S.Ct. at 2766 (footnote omitted).

We agree with the county that if the plaintiffs would have no greater opportunity to elect their preferred representatives under a single-member district plan, then they cannot show that the at-large scheme is causing their inability to elect their preferred representatives. Gingles addresses not only a group's ability to elect a satisfactory candidate (that is, a candidate for whom the minority voter is willing to cast a vote), but the group's ability to elect its preferred candidate. The county assumes that if a Black consistently has been elected from district three, then Blacks have been successful in electing their preferred candidate. Further, the county assumes that the only relevant inquiry relates to the ability of Blacks and Hispanics to elect representatives based on the residency populations as those districts are now drawn. Neither assumption, however, is necessarily true.

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Relying on existing residence district borders, the county states that Hispanics and Blacks are a majority of registered voters only in districts two and three respectively, that a Hispanic and a Black have represented those respective districts for at least the past seven years, and concludes that neither Hispanics nor Blacks could attain any greater electoral success by switching to single-member districting because Blacks and Hispanics would still only elect one representative each.

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There are two hidden premises in the county's argument.

Existing District Lines

First, the county assumes that no other districts could be drawn that would permit Blacks or Hispanics to elect more representatives than they do now. The county's reliance on the makeup of the existing districts is misplaced. At issue is whether the population distribution could be differently apportioned among redrawn districts such that minority Black and Hispanic voters have greater representation. According to the Supreme Court, "[t]he single-member district is generally the appropriate standard against which to measure minority group potential to elect because it is the smallest political unit from which representatives are elected." 478 U.S. at 50 n. 17, 106 S.Ct. at 2766 n. 17. In *Thornburg v. Gingles*, the district court did not simply count the votes within the existing districts, but considered whether new districts could be drawn that would enable Blacks to enjoy greater representation more in keeping with their numbers in the population. See *Gingles*, 478 U.S. at 38, 106 S.Ct. at 2760.

The district court should consider whether single-member districts could be drawn which would permit Blacks and Hispanics equal opportunity to elect

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« up representatives of their choice. That is the baseline against which the existing at-large system should be measured. We agree with the observation made by Chief Judge Tjoflat in his now-vacated panel opinion in *Solomon* that "[o]f course, the resulting single-member electoral system must achieve a more proportional representation of minorities than did the previous multi-member system." *Solomon v. Liberty County*, 865 F.2d 1566, 1572 n. 5 (11th Cir.1988) (vacated). The district court, however, did not address whether alternative districts could be drawn such that Blacks would have the opportunity to elect one representative from a "safe" district and also have the possibility of occasionally electing a representative from a more marginal "swing" district. Section two does not provide a guarantee of proportional representation. It does, however, require equal opportunity to participate and elect representatives of the minority group's choice.

Preferred Representatives

Second, the county assumes that the Hispanic and Black representatives elected from districts two and three are the "preferred representatives" of the respective minorities. That is not necessarily so.

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Whether the candidate elected is the preferred candidate of a particular minority group turns on more than the candidate's race. The at-large scheme could cause the candidate elected from the Black and Hispanic residence district to be someone who is less responsive to the particular needs of an insular community than would be the case under a single-member district structure. Naturally, the less responsive candidate would not be the "preferred" candidate when evaluated against a single-member district baseline and the candidate who would be elected under that system. For example, in an at-large system, the candidates from a Black or Hispanic residence district who hold themselves forth for at-large election may not be the preferred candidate of the minority group, but rather may be a candidate who is perceived as viable given the at-large election scheme. Cf. *Gingles*, 478 U.S. at 76 n. 37, 106 S.Ct. at 2779 n. 37 (success of Black candidate not always attributable to support in the Black community). Although the representative from district three, by way of example, is in fact Black, that does not mean that particular candidate is the preferred candidate of Black voters; the candidate may be a person for whom Blacks are willing to vote when the alternative would be the election of a White candidate, but that does not mean that the same candidate would be elected in a single-member district plan. In contrast, under a single-member district plan, a candidate who, because he or she is more responsive to Black concerns, is the preferred candidate of Blacks could be elected even though he or she is unacceptable to White voters and would not be elected under an at-large scheme. In short, the at-large scheme may cause the Black candidate to be someone other than the preferred candidate of Black voters. That a candidate is of the race of the group is not dispositive; the legal standard is whether the candidate is the preferred candidate of the minority group.

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Whether a given minority candidate who has long enjoyed electoral success is the preferred representative requires appraisal of local facts within the ken of the district court and best left to it.

Alternative Avenues Open to Minorities

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At oral argument, the county objected to any judicial involvement on the ground that Blacks and Hispanics by joining together have sufficient political clout to change the electoral system by instituting a referendum as permitted by Florida law. Assuming that such a referendum is available, the plaintiffs nevertheless have

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« up the right to pursue their judicial remedy as provided by federal statute, rather than embarking on the task of effecting change through the referendum method. Minorities have resorted frequently to the federal courts for vindication of their rights. Moreover, we note that minorities may be less successful at organizing and orchestrating voting campaigns than are other groups, and may therefore prefer the statutory remedial scheme. Finally, the fact that a minority group may perceive itself as less successful in the political arena may cause diminished participation in such a referendum. Regardless of the viability of alternative avenues, the plaintiffs are entitled to enjoy their statutory right to seek redress in the federal courts, and we cannot deny it to them.

Summation

In sum, as to the first Gingles prong, we affirm the district court's conclusion that the plaintiffs have satisfied their burden. The second prong is not in dispute. As to the third Gingles prong, we conclude that the district court's legal analysis was premised upon legal error.

TASK ON REMAND

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As the district court here denied relief based on its erroneous interpretation of the third Gingles factor, we remand for reconsideration in light of the principles enunciated here. See *Gingles*, 478 U.S. at 78-79, 106 S.Ct. at 2781. Specifically, the district court must decide whether Blacks or Hispanics have thus far usually elected preferred representatives. The court should also consider whether Blacks or Hispanics are impaired in their ability to elect representatives of their choice by the manner in which the voting districts are now drawn. This case does not require us at this juncture to reenter those disputed issues that divided the en banc court in *Solomon*. Under the *Gingles* principles enunciated here, the district court could still conclude that the plaintiffs have not satisfied the three necessary *Gingles* requirements: the district court could find that Blacks and Hispanics have elected their preferred representatives, and that the existing districting plan does not impair the ability of either group to elect representatives of its choice. In that event the issue of affirmative defenses would not be reached. If the district court found the plaintiffs to have satisfied the three *Gingles* factors, it appears on the facts of this case, where the district court has found the existence of racial hostility between Blacks and Hispanics driving electoral results, that under either view of the *Solomon* en banc court, the plaintiffs might be entitled to relief. Given the posture of this case, we decline to assume the existence of facts in order to apply the law hypothetically. Further, the Supreme Court has made clear that the district court should analyze the facts in the first instance. We therefore decline to reach issues not necessary to the decision of this case.

REVERSED and REMANDED.

*

Honorable Frank A. Kaufman, Senior U.S. District Judge for the District of Maryland,
sitting by designation

1

The plaintiffs also alleged a constitutional claim arising under the fourteenth and fifteenth amendments to the Constitution. To prevail on such a claim plaintiffs must prove that the electoral system to which they object is conceived or operated with a discriminatory purpose. See *City of Mobile v. Bolden*, 446 U.S. 55, 100 S.Ct. 1490, 64

« up L.Ed.2d 47 (1980). The district court here, however, found that the plaintiffs had failed to present any evidence of a discriminatory purpose. They have not pressed their constitutional arguments on appeal, and accordingly we do not address them further

2

Section two, as codified, reads as follows:

Sec. 1973. Denial or abridgement of right to vote on account of race or color through voting qualifications or prerequisites; establishment of violation

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section B(f) (2) of this title, as provided in subsection (b) of this section.

(b) A violation of subsection (a) of this section is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion of the population.

42 U.S.C. Sec. 1973 (as amended 1982).

3

In the district court's order of October 5, it held that Hispanics were not politically cohesive. In the subsequent order issued in response to the plaintiffs' motion to alter and amend the judgment, the district court, upon reexamination of the statistical evidence, found that Hispanics were politically cohesive

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The Eleventh Circuit, in the en banc decision *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir.1981), adopted as precedent decisions of the former Fifth Circuit rendered prior to October 1, 1981

5

See, e.g., Leahy deposition. Our search of the record has not revealed a source of the district court's assertion, and we note that the county claims that there is no evidence in the record of voting age population

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The district court's statement that Hispanics constitute the largest population group is irrelevant. Given the absence of any evidence as to numbers of voting age persons, the district court's statement that Hispanics could constitute the largest portion of registered voters is mere speculation. Similarly, the district court's assertion that "it is conceivable that Non Latin Whites are not even a majority of the registered voters in Dade County" is entitled to no weight as we cannot decide cases based on what may be "conceivable."

7

Leahy affidavit of March 17, 1988 (Leahy is Supervisor of Elections of Metropolitan Dade County)

8

« up Id

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(1)
4-27-04

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-511-04

**RESOLUTION SETTING FORTH CRITERIA AND FACTORS
TO BE USED IN THE REDISTRICTING PROCESS;
PROVIDING FOR A REDISTRICTING ADVISORY BOARD
AND A PUBLIC HEARING PROCESS**

WHEREAS, Section 1.03(B) of the Home Rule Charter authorizes the Board of County Commissioners to redraw the County Commission election districts from time to time; and

WHEREAS, there are established legal criteria and traditional redistricting factors to be considered when redrawing election districts; and

WHEREAS, the Board desires that the public be fully informed as to the criteria and factors to be considered by the Board in the redistricting process; and

WHEREAS, the Board desires to elicit public comments through a series of public workshops and a citizens advisory board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Redistricting Criteria and Factors. The following criteria and factors shall be considered when redrawing County Commission election districts during the decennial redistricting process:

a) *One-Person, One-Vote Rule.* Primary consideration shall be given to compliance with the one-person, one-vote requirement of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, as construed by United States Supreme Court decisions. The population deviation between districts shall be minimized to the extent consistent with compliance with §2 of the Voting Rights Act of 1965, as amended in 1982, 42 U.S.C.A.

§1973, and the accommodation of traditional districting principles. In no event shall the population deviation between districts exceed ten percent, unless the Board of County Commissioners fully explains the necessity for doing so.

b) *§2 of Voting Rights Act.* The redistricting plan shall afford minority groups protected under Section 2 of the Voting Rights Act of 1965, as amended in 1982, 42 U.S.C.A. § 1973, with an equal opportunity to participate in the electoral process and to elect their preferred candidates.

c) *Traditional Districting Principles.* While observing the one-person, one-vote rule and compliance with §2 of the Voting Rights Act, the district boundaries shall be drawn on the basis of geography and with respect for communities of interest, in accordance with the requirements of Section 1.03(B) of the Home Rule Charter. To the extent practical, the districts also should be reasonably compact, contiguous, respect political and administrative boundaries, minimize voter disruption and protect incumbent commissioners from running for election against another sitting commissioner.

Section 2. **Citizens Advisory Board and Public Workshops.** In the year preceding the release of the federal decennial census the County Commission shall empanel a 13-member citizens redistricting advisory board. Each Commissioner shall appoint one member to the board, who may not be a member of the County Commission. The advisory board will be advised by the redistricting expert(s) designated by the County Commission to assist the Commission in the drafting of a redistricting plan, the County Attorney's Office and such other staff as may be appointed by the County Manager.

After the initial release of the federal census data public redistricting workshops shall be commenced at various locations throughout the county to inform and elicit comments from the public concerning the redistricting process. The members of the advisory board shall be timely

informed of and invited to attend all such public workshops. As appropriate to the location of the workshop, explanatory materials shall be provided in English, Spanish and/or Creole. Spanish and/or Creole interpreters also shall be available to assist members of the public.

Within twenty (20) days from the last public workshop the redistricting expert(s) shall provide the advisory board with any redistricting plan(s) (not to exceed three) and/or report(s) proposed by the expert(s) to the Commission. Within twenty (20) days from the receipt of any such plan(s) and/or report(s) the advisory board shall submit to the Commission a written report containing its recommendations and comments on each plan and/or report proposed by the expert(s). The recommendations and comments of the advisory board must be based upon the redistricting criteria and factors contained in section 1 of this resolution and must receive at least a majority vote of approval from the members of the advisory board. The written report of the advisory board should endeavor to explain the extent to which the proposed plan(s) and/or report(s) comport with the criteria and factors contained in Section 1 of this resolution.

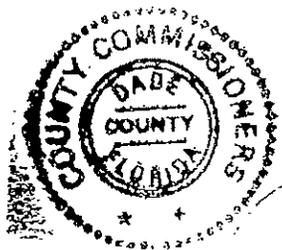
Section 3. Adoption of Redistricting Plan by County Commission. The County Commission shall perform its political and legislative redistricting responsibilities under Section 1.03(B) of the Home Rule Charter in accordance with the criteria and factors contained in Section 1, and after giving due consideration to any proposed plans and recommendations made by the citizens advisory board pursuant to section 2 of this resolution. The County Commission shall adopt a final redistricting plan only after conducting a public hearing upon reasonable notice, including public notice advertisements in newspapers serving Hispanic and Haitian communities.

Section 4. Nothing contained herein is intended to nor shall be construed as detracting from the legislative powers and political prerogatives of the County Commission in its performance of the redistricting process.

The foregoing resolution was sponsored by Chairperson Barbara Carey-Shuler, Ed.D. and offered by Commissioner Dorrin D. Rolle, who moved its adoption. The motion was seconded by Commissioner Joe A. Martinez and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	absent		
Katy Sorenson, Vice-Chairperson	aye		
Bruno A. Barreiro	absent	Jose "Pepe" Diaz	aye
Betty T. Ferguson	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Jimmy L. Morales	aye
Dennis C. Moss	aye	Dorrin D. Rolle	aye
Natacha Seijas	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of April, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RAD

Robert A. Duvall