

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 28, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending Section
12-23 of the Code pertaining
to initiative, referendum and
recall petitions

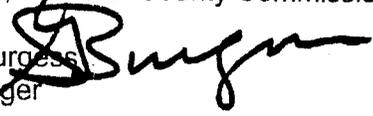
The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz, Commissioner Bruno A. Barreiro and Commissioner Natacha Seijas.


for: Murray A. Greenberg
County Attorney

MAG/bw

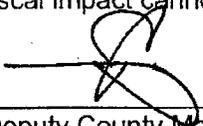
Memorandum



Date: November 28, 2006
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burgess 
County Manager
Subject: Ordinance Amending Section 12-23 of the Code Pertaining to Initiative, Referendum,
and Recall Petitions

The ordinance amending Section 12-23 of the Code of Miami-Dade County pertaining to initiative, referendum, and recall petitions will have minimal or no fiscal impact on Miami-Dade County.

The proposed ordinance prohibits any person or entity from intentionally making false statements concerning the contents or effect of any petition for initiative, referendum, or recall. Enforcement of this ordinance would be on a complaint driven basis under the jurisdiction of the Miami-Dade Police Department for the unincorporated areas and municipal police departments for incorporated areas. A fiscal impact cannot be determined at this time.



Deputy County Manager

Fiscal00706



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 28, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)

11-28-06

ORDINANCE NO. _____

ORDINANCE PROHIBITING ANY PERSON OR ENTITY FROM INTENTIONALLY MAKING FALSE STATEMENTS CONCERNING THE CONTENTS OR EFFECT OF ANY PETITION FOR INITIATIVE, REFERENDUM, OR RECALL TO ANY PERSON WHO IS REQUESTED TO SIGN ANY SUCH PETITION OR WHO MAKES AN INQUIRY REGARDING ANY SUCH PETITION; AMENDING SECTION 12-23 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, PENALTY, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 12-23 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 12-23. Initiative, referendum and recall petitions- Verification of signatures; disqualification of noncomplying petitions >>; prohibition on improper signature gathering practices<<.

* * *

>>(4) Prohibited Signature Gathering Practices

A. It shall be unlawful for any person, entity, or elector intentionally to make or cause to be made any false statement concerning the contents or effect of any petition for initiative, referendum, or recall submitted pursuant to Article 7 of the Miami-Dade County Home Rule Charter to any person who is requested

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

to sign any such petition or who makes an inquiry with reference to any such petition.

B. Any person, entity, or elector convicted of a violation of section 12-23(4)A of this Code shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not more than sixty (60) days, or by both such fine and imprisonment.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jeffrey P. Ehrlich

Sponsored by Commissioner Jose "Pepe" Diaz