

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. H

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A _____ ELECTION TO BE HELD ON _____, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE HOME RULE CHARTER SHALL BE AMENDED TO SPECIFY THE EXCLUSIVE PROCESS, FORM, REQUIRED CONTENT, CERTIFICATION, AND DATE OF ELECTION OF INITIATIVE PETITIONS TO AMEND THE CHARTER AND TO REPEAL ALL PROVISIONS IN CURRENT ORDINANCES AND RESOLUTIONS THAT REGULATE INITIATIVE PETITIONS TO AMEND THE CHARTER

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

Section 1. A countywide special election, to be held in conjunction with a _____ election, is hereby called and shall be held in Miami-Dade County, Florida on _____, 2008 for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will

close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
SPECIFYING PROCESS, FORM, AND CONTENT OF
INITIATIVE PETITIONS TO AMEND CHARTER

SHALL THE CHARTER BE AMENDED TO SET FORTH THE EXCLUSIVE PROCESS, FORM, REQUIRED CONTENT, CERTIFICATION, AND DATE OF ELECTION OF INITIATIVE PETITIONS TO AMEND THE CHARTER AND TO REPEAL ALL PROVISIONS IN CURRENT ORDINANCES AND RESOLUTIONS THAT REGULATE INITIATIVE PETITIONS TO AMEND THE CHARTER?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections and the Clerk of the County Commission are hereby

authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------------------|--------------------|
| Bruno A. Barteiro, Chairman | Audrey M. Edmonson |
| Barbara J. Jordan, Vice-Chairman | Sally A. Heyman |
| Jose "Pepe" Diaz | Dennis C. Moss |
| Carlos A. Gimenez | Natacha Seijas |
| Joe A. Martinez | Rebeca Sosa |
| Dorrin D. Rolle | |
| Katy Sorenson | |
| Sen. Javier D. Souto | |

The Chairman thereupon declared the resolution duly passed and adopted this _____ day of _____, 2008. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Wifredo Ferrer _____

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9¹

GENERAL PROVISIONS

* * *

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 to the ~~[[Board]]~~ >>Clerk.<< ~~[[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 ~~[[.]]~~ >>, governed by the following procedure:
 1. The person proposing the amendment shall submit to the Clerk a proposed petition, in the form specified in section (2) below, and proposed ballot language, including a title. The Clerk shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.
 2. The petition shall be printed in 14-point font and contain the following information: (a) the title and text of the proposed amendment, printed in English, Spanish and Creole; (b) a statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form; (c) the residence address of the circulator; (d) dates between which all the signatures on each individual petition were obtained, and (e) a sworn statement that the circulator personally circulated the petition and witnessed each signature as it was being written.
 3. The circulation of petitions and obtaining signatures thereon, as well as the determination of the validity of signatures obtained and the sufficiency of the circulated petitions submitted, shall be governed by the procedures set forth herein and those specified in subsections 2 and 3 of Section 8.01 of the Charter.

¹Words 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.

4. If the Supervisor of Elections certifies the sufficiency of the petitions, << [[F]] >> the Board of County Commissioners shall call an election >> on the proposed charter amendment << 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]] >> the next available general <<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.]]

>> 5. The initiatory process to amend the Charter shall be governed exclusively by the provisions of this section and the Board shall not adopt any ordinance or resolution thereon. The provisions in all current ordinances and resolutions regulating initiative petitions to amend the Charter shall be repealed. <<

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.