



MEMORANDUM

Supplement to
Agenda Item No. 7(B)

TO: Hon. Chairman Bruno A. Barreiro **DATE:** May 20, 2008
and Members, Board of County Commissioners

FROM: Honorable Natacha Seijas 
Miami-Dade County Commissioner **SUBJECT:** Property Appraiser
Ordinance
Item 7(B)

Following the May 14, 2008, Sunshine meeting with Commissioner Gimenez, I am proposing the following amendments to County Commission agenda item 7(B) relating to the elected Property Appraiser:

Section 2-73 would be amended as follows:

1. Upon the commencement of the term of office of the elected Property Appraiser of Miami-Dade County elected in November, 2008 ~~[[and subject to the approval of the Mayor]]~~, the employees assigned to the Property Appraisal department prior to the election of the Property Appraiser of Miami-Dade County shall be assigned to the Office of the Property Appraiser of Miami-Dade County >>(the "Office"). From that point forward, the Property Appraiser shall have the authority to select all employees of the Office, << [[Thereafter, the Mayor shall,]] in accordance with >>the provisions of<< the Code and Personnel Rules >>. Upon selection by the Property Appraiser of an employee for a position in the County's classified service and compliance with the requirements of the Code and Personnel Rules for the appointment of personnel, the Mayor shall formally appoint the selected employee to the County's classified service. The << [[, appoint such employees and other personnel as may be necessary to operate the Office, except that the]] Property Appraiser [[of Miami Dade County]] shall >>have the authority to directly<< appoint employees to all positions in the Office which are exempt from the County's classified service. >>The elected Property Appraiser shall have the authority to hire, evaluate, promote, demote, discipline or discharge Office employees; provided, however, that employees shall continue to have the right to challenge or appeal such decisions on the same terms as other County

employees. The Office of the Property Appraiser shall continue to honor and abide by the terms of any existing collective bargaining agreement and to negotiate any changes in such agreement in accordance with state law.<<

2. ~~The salaries, compensation and benefits of all Office employees [[within the classified service]] shall be fixed by the County Commission upon recommendation of the [[Mayor]]~~ >>Property Appraiser<<, subject to the provisions of any applicable collective bargaining agreement. ~~[[The salaries, compensation and benefits of those employees appointed by the Property Appraiser shall be fixed by the County Commission upon recommendation of the Property Appraiser of Miami Dade County, subject to the provisions of any applicable collective bargaining agreement.]]~~ >>Except for the purpose of transmitting constituent inquiries, budgeting, funding and carrying out other functions required by this ordinance, the Property Appraiser shall perform his or her duties without supervision or interference from the Mayor or the County Manager.<<

Section 2-69(e) should be deleted and a new Section 2-69(e) should be added, as follows:

- e. ~~[[It is unlawful for any corporation incorporated under the laws of the State of Florida or any other state or any foreign country or any partnership or any other legal entity other than a natural person or corporation (“unincorporated associations”) to make a contribution or expenditure, as defined in Chapter 106, Florida Statutes, in connection with the election of any candidate for the Property Appraiser of Miami Dade County. Furthermore, it shall be unlawful for any candidate, political committee, or other person to knowingly accept or receive any contribution prohibited by this subsection, or for any officer or any director of any corporation, or any unincorporated association to consent to any contributions or expenditures by a corporation or unincorporated association prohibited by this section. In addition to any other penalties which may be applicable, any person who violates this subsection shall be punishable by a fine up to \$500.00 or imprisonment not to exceed sixty days, or both. Notwithstanding the foregoing, this subsection shall not apply to: (1) a loan of money by a national or state bank made in accordance with the applicable banking laws and regulations in the ordinary course of business provided that any such loan shall be included in the reports filed by the candidates and political committees; (2) the receipt of interest or dividends on investments where the interest or dividends are~~

~~received in accordance with the applicable banking laws and in the ordinary course of business provided that such interest and dividends shall be included in the financial records maintained by the candidate and political committees and reports where appropriate under the filing requirements of this Code; (3) a direct private communications by a corporation to its stockholders and their families or by an unincorporated association to its members and their families on any subject; nonpartisan registration and get out vote campaigns by a corporation aimed at stockholders and their families or by an unincorporated association aimed at its members and their families; and (4) the establishment, and administration by a corporation or an unincorporated association of a separate segregated fund which fund is to be created by voluntary individual contributions, including those solicited by the corporation or unincorporated association and to be utilized for political purposes, provided that any such separate segregated fund shall be deemed to be a political committee for purposes of this ordinance and must comply with the requirements of Chapter 106, Florida Statutes, regardless of the level of expenditures or contributions.]]~~

>>It is unlawful for any candidate, political committee, or other person in connection with the election of any candidate for the Property Appraiser of Miami-Dade County to knowingly accept or receive any contribution from a corporation incorporated under the laws of the State of Florida or any other state or any foreign country or any partnership or any other legal entity other than a natural person ("Contributing Entity") unless: (1) the Contributing Entity discloses to the campaign treasurer of the campaign receiving the contribution all real and personal property assessed for taxes in Miami-Dade County which is owned by the Contributing Entity, or a parent or subsidiary of the Contributing Entity, or any entity which has the same parent entity as the Contributing Entity; and (2) the campaign treasurer reports, on a form provided by the Supervisor of Elections, all real and personal property assessed for taxes in Miami-Dade County which is owned by the Contributing Entity, or a parent or subsidiary of the Contributing Entity, or any entity which has the same parent entity as the Contributing Entity to the Supervisor of Elections at the same time the campaign treasurer reports the contribution. In addition to any other penalties which may be applicable, any person who violates this subsection shall be punishable by a fine up to \$500.00 or imprisonment not to exceed sixty days, or both.<<