



MEMORANDUM

INLUC
Agenda Item No. 2(D)

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

DATE: June 15, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Section 12-23 of the Code to conform the form of petitions for County initiative referendum, or recall to the form of petitions used by the State for constitutional amendments by initiative petitions with limited exceptions

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date:

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

From: Alina T. Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak".

Subject: Ordinance amending Section 12-23 of the Code of Miami-Dade County to conform the Form of Petitions for County initiative, referendum, or recall to the Form of Petitions used by the State for Constitutional amendments

The proposed ordinance conforms the current form of petitions for County initiatives, referendums, or recalls to the form used by the State for Constitutional amendments by initiative petitions. The form must contain the title and text in English, Spanish, and Creole of the ordinance or Charter provision sought to be enacted or repealed and all other requirements of the Miami-Dade County Home Rule Charter. This will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jennifer Glazer-Moon".

Jennifer Glazer-Moon, Special Assistant/Director
Office of Strategic Business Management

Fis2911



MEMORANDUM

(Revised)

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

DATE: April 4, 2011

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

Please note any items checked.

- "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**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Agenda Item No. 14(A)(2)

Veto _____

4-4-11

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 12-23 OF THE CODE OF MIAMI-DADE COUNTY TO CONFORM THE FORM OF PETITIONS FOR COUNTY INITIATIVE, REFERENDUM, OR RECALL TO THE FORM OF PETITIONS USED BY THE STATE FOR CONSTITUTIONAL AMENDMENTS BY INITIATIVE PETITIONS WITH LIMITED EXCEPTIONS AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

Sec. 12-23. Initiative, referendum and recall petitions—Verification of signatures; disqualification of non-complying petitions~~[[; prohibition on improper signature gathering practices]]~~.

- (1) No person may circulate a petition or solicit signatures unless he or she is a registered elector in Miami-Dade County.
- (2) *Form of Petition.* All petitions for initiative, referendum, and recall submitted pursuant to Article 7 of the Miami-Dade County Home Rule Charter shall be ~~[[in 12-point font with no more than one signature per page and in a format determined by the Supervisor of Elections; providing, however, each petition shall contain the following information]]~~ >>in a form substantially similar to the form used by the State of Florida for Constitutional amendments by initiative petitions as promulgated by the Division of Elections, as may be amended from time to time, except that each form shall also contain<<:

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

~~[[A. A statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form.~~

~~B. The residence address of the circulator.~~

~~C. Dates between which all the signatures on each individual petition were obtained.~~

~~D. A sworn statement that the circulator personally circulated the petition, witnessed each signature as it was being written and that to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.~~

~~E. A sworn statement signed by the circulator certifying to the truthfulness and the correctness of the certificate set forth in Section (1)(D) hereof; stating that it is being given under penalty of perjury under the laws of the State of Florida; and setting forth the date and the place of execution of the certification.~~

~~F. Any individual who knowingly signs more than one petition or who attempts to sign another person's name, or a fictitious name, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both.~~

~~G]]>>A<<. The title and text in English, Spanish, and Creole of the ordinance or the Charter provision sought to be enacted or repealed.~~

~~>>B. All other requirements of the Miami-Dade County Home Rule Charter.<<~~

- (3) *Disqualification of Forms.* Within thirty (30) days, excluding weekends and legal holidays, of the date of filing a petition of ~~[[initiative or referendum, the Supervisor of Elections, or in the case of recall,]]~~ >>initiative, referendum or recall,<< the Clerk of the Circuit Court, shall disqualify the following petition forms:

- A. Those that do not include in English, Spanish and Creole the title and text of the ordinance or the Charter provision sought to be enacted or repealed.
- B. Those that do not comply with any one or more of the provisions relating to the ~~[[circulator]]~~ >>form of the petition<< set forth in Section ([[1]])>>2<< hereof.
- ~~[[C. Those where the notary failed to comply with the provisions of F.S. § 117.05, requiring the notary to certify that to the best of his or her knowledge he or she knows the circulator or has seen documentary evidence to substantiate the authenticity of the circulator.~~
- ~~D. Those where the notary is the same person as the circulator.~~
- ~~E. Those where the signatures of the circulator or notary are dated earlier than the dates on which the electors signed the petition.]]~~

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:

Handwritten signature of the County Attorney, appearing to be "JAC", written over a horizontal line.

Prepared by:

Oren Rosenthal

Prime Sponsor: Chairman Joe A. Martinez