



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Miami-Dade Charter Review Task Force

Stephen P. Clark Center
Commission Chambers
111 NW 1st Street
Miami, Florida
July 10, 2025
As Advertised

Juan Fernandez-Barquin,
Clerk of the Court and Comptroller
Board of County Commissioners

Basia Pruna, Director
Clerk of the Board Division

Bryce Stephenson-Pickett, Commission Reporter
(305) 375-1296



**FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
July 10TH, 2025**

The Miami-Dade Charter Review Task Force (CRTF) convened an in-person meeting at the Stephen P. Clark Government Center at 111 NW 1st St, Miami, FL 33128, in the Commission Chambers, on July 10, 2025 at 12:12 p.m.

Prior to the roll call, Deputy Clerk Bryce Stephenson-Pickett announced that the Clerk of the Board was notified that Mayor Andre Pierre and State Representative Michael Redondo would be absent from today's (7/10) meeting.

In attendance were the following Task Force members:

- Senator Alexis Calatayud;
- Ms. Stephanie Daniels;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Robert Fernandez;
- Mr. Rafael Granado;
- Mr. Jose Jimenez;
- Mr. Dennis Kerbel;
- Mayor Steven Losner;
- Ms. Rebecca Wakefield;
- Mayor Crystal Wagar; and
- Commissioner Dennis Moss

In addition to the Task Force members, the following staff members were present:

- Assistant County Attorney Michael Valdes;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor; and
- Mr. Bryce Stephenson-Pickett, Deputy Clerk, Clerk of the Board.

Mr. Jorge Damian de la Paz called the meeting to order and led the Pledge of Allegiance.

Task Force members and staff introduced themselves, with each member providing their background and acknowledging their appointing commissioners.

II – INTRODUCTIONS OF CHARTER REVIEW TASK FORCE MEMBERS AND STAFF

Mr. Jorge Damian de la Paz, Director of Policy in the Office of the Mayor, welcomed all members and staff to the first meeting of the 2025 Miami-Dade Charter Review Task Force and presented a video message from Commissioner Cohen Higgins.

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In the video message, Commissioner Cohen Higgins delivered opening remarks emphasizing that the Charter Review represented a critical examination of Miami-Dade County's governance foundation. She noted that 2025 marked a historic shift with the return to independently elected constitutional officers (sheriff, property appraiser, tax collector, and supervisor of elections), which significantly altered government functions.

Commissioner Cohen Higgins highlighted that previous charter reviews in 2008, 2012, and 2017 led to important reforms including charter review mechanisms, commissioner term limits, and strengthened the Inspector General's independence. She identified key focus areas including constitutional officer alignment, urban development boundary, sea level rise, elected officials' compensation, and the citizens' bill of rights.

III – REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD

Mr. Jorge Damian de la Paz, opened the floor for the reasonable opportunity to be heard, and the following individual appeared before the Task Force:

Mr. Oren Rosenthal, General Counsel, Miami-Dade County Supervisor of Elections, thanked members for their service and identified specific issues requiring attention, particularly conflicts between the charter and Florida statutes regarding supervisor of elections duties. He noted that the charter assigns certain candidate qualification duties to the Clerk of Courts, while Florida statute assigns them to the Supervisor of Elections, creating potential confusion for candidates seeking to qualify for office.

Seeing no one else come forward to speak, Mr. Damian de la Paz closed the reasonable opportunity to be heard.

IV – SELECTION OF CHARTER REVIEW TASK FORCE CHAIRPERSON & VICE CHAIRPERSON

Assistant County Attorney (ACA) Michael Valdes explained the roles and responsibilities of the chair and vice chair positions.

Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor, advised the Task Force members that Florida State Representative Michael Redondo had submitted a letter requesting to be considered for the chairperson's position.

Mayor Steven Losner moved to appoint Mr. Dennis Kerbel as Chairman for the Charter Review Task Force. This motion was seconded by Commissioner Dennis Moss and upon being put to a vote, passed with a vote of 12-0 (Mayor Joshua Dieguez, Mayor Andre D. Pierre, and Florida State Representative Michael D. Redondo were absent).

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Mr. Erick Eikenberg moved to appoint Florida State Representative Michael Redondo as the Vice Chairperson. This motion was seconded by Mr. Robert H. Fernandez and upon being put to a vote, passed with a vote of 12-0 (Mayor Joshua Dieguez, Mayor Andre D. Pierre, and Florida State Representative Michael D. Redondo were absent).

V – PRESENTATIONS

A. OVERVIEW OF FLORIDA’S SUNSHINE LAW, PUBLIC RECORDS, AND CONFLICT OF INTEREST

Ms. Etta Akoni, Staff Attorney, Miami-Dade County Ethics and Public Trust, with the aid of a Power Point presentation provided an overview covering:

- Basic sunshine law rules requiring open meetings and prohibiting private discussions between members
- Public records requirements including private device communications
- Ethics code provisions on gifts, exploitation of official position, voting conflicts, and lobbying
- Citizens' Bill of Rights with 17 guaranteed rights

Miami-Dade County Mayor Daniella Levine Cava congratulated the newly elected Chair and thanked members for their service. She noted her previous experience sponsoring the 2017 Charter Review Task Force emphasizing the Home Rule Charter's importance as the County's constitution.

Mayor Levine Cava reviewed the significance of the Task Force's work and Stated that their recommendations would be used to make necessary Home Rule Charter updates for efficiency. She highlighted the substantial changes since the last review, describing the transition to the five (5) constitutional offices as the largest change in Miami-Dade County government history. Mayor Levine Cava noted growing State involvement in local and departmental affairs and requested that members find opportunities to elevate local voices within the Charter while considering new operational approaches with the constitutional offices.

Mayor Levine Cava emphasized that the administration would provide all resources the Task Force needed and expressed her eagerness to receive their feedback on how to help the County adjust to the new governmental structure.

B. OVERVIEW OF RESOLUTION NO. R-255-24 CREATING THE CHARTER REVIEW TASK FORCE

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Assistant County (ACA) Attorney Michael Valdes reviewed Resolution R-255-24 which created the Task Force and explained the duties, responsibilities, meeting requirements, and report completion deadlines. He noted that Section 9.07 of the Home Rule Charter provided that amendments could only be proposed by resolution adopted by the Board of County Commissioners (Board) and brought to the electors.

ACA Valdes advised that the Board made a specific finding that revisions were needed to address the transition to elected constitutional officers on January 7, 2025, while authorizing a holistic and comprehensive review of the entire charter. He pointed out that the Task Force was established to operate for 365 days from June 1, 2025, until May 31, 2026 with the key responsibilities being to study the 2017 final report and all proposed charter amendments submitted to voters since 2017, conduct regional public meetings in the North, South, West, and Central parts of Miami-Dade County, and to prepare written recommendations and reports.

ACA Valdes further explained that the resolution established two (2) critical deadlines: the first being a preliminary report containing initial recommendations due no later than November 4, 2025 (14 days prior to the Board's final regularly scheduled meeting on November 18, 2025); and a final report containing all recommendations due no later than 14 days prior to the Board's first regularly scheduled meeting in April 2026. He pointed out that the deadlines were intended to provide the Board sufficient time to consider recommendations and place questions on the November 2026 ballot if needed.

Later in the meeting, Chairman Kerbel sought clarification on meeting requirements, specifically, whether the Task Force was required to hold a set number of regional meetings and whether any public hearings were necessary beyond the reasonable opportunity to be heard provided at each meeting.

ACA Valdes clarified that the legislation did not specify a specific number of regional meetings, only that regional meetings be conducted in the North, South, West, and Central parts of Miami-Dade County. He confirmed that the Task Force would only conduct reasonable opportunity to be heard at meetings, and that any amendments or changes recommended by the Task Force would go before the Board for public hearing.

C. OVERVIEW OF HOME RULE AMENDMENT AND MIAMI-DADE COUNTY CHARTER

Assistant County Attorney (ACA) Michael Valdes with the aid of a Power Point Presentation provided a brief review of the history and unique nature of Miami-Dade's Home Rule powers, highlighting the following:

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- Miami-Dade derived governing authority from three (3) sources, making it unique among Florida's 67 counties: the 1885 Constitution's Home Rule Amendment, the 1968 Constitution's charter County provisions, and general State statutes
- Under the 1885 Constitution, local governments operated under Dillon's Rule, which required specific State authorization for any local powers
- As an example of the old system, 450 special laws involving Miami-Dade County alone were filed in the 1954 legislative session and voted on by the entire Florida legislature on matters of purely local concern
- Miami-Dade's 1957 home rule charter adoption created a unique situation where, as described by the Florida Supreme Court, "the legislature's power over local affairs in Dade County ceased to exist"
- This represented not just a unique experiment in Florida, but in the entire Country, with a 1960 Harvard Law Review article describing Miami-Dade as having created "a pattern of inter-local governmental relations unique in the United States"
- Miami-Dade County possessed specific enumerated powers allowing deviation from State general law in areas including commission structure, compensation, municipal boundaries, governmental organization, and other functions
- Subsection F regarding constitutional offices was superseded by Amendment 10 in 2018

Chairman Dennis Kerbel requested that ACA Valdes's presentation be circulated to all Task Force members.

D. STAFF REPORT ON TECHNOLOGICAL AND COMMUNICATION RESOURCES

Ms. Inson Kim, Deputy Director, Communications and Customer Experience Department (CCED), explained available resources including meeting broadcasts, website maintenance (miamidade.gov/charter), and social media support for public engagement.

VI – COMMENTS/DISCUSSION BY TASK FORCE MEMBERS

Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor, informed the Task Force that the Commission Chambers would undergo renovations in August, making them unavailable for meetings. He provided documentation showing available meeting dates at the Miami-Dade County Main Library as an alternative location.

Ms. Iris Escarra questioned how the Task Force wanted to organize future meetings. She outlined three possible approaches: examining topics individually, working through the charter sequentially, or adopting the methodology used by the previous Task Force as detailed on pages 14 and 15 of their materials.

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Chairman Dennis Kerbel expressed his preference for the topic-focused approach used by previous Task Forces, where each meeting concentrated on a specific subject area.

Commissioner Dennis Moss asked whether any major issues beyond constitutional officers required priority attention.

Chairman Kerbel referenced the key areas Commissioner Cohen Higgins had outlined in the opening video: constitutional officers, the Urban Development Boundary, sea level rise impacts, and commissioner compensation and term limits; and stated that he anticipated that constitutional officers discussions would generate additional topics.

Mayor Steven Losner suggested that the Task Force consider the following:

- Changing the composition of elected district representation;
- Allowing the residents to vote for Commission Chairperson and Vice Chairperson;
- Requiring election for all Commission vacancies in excess of one (1) year;
- Changing requirements for district candidate eligibility;
- Limiting bond and Charter questions to the March primary or November general elections;
- Requiring district commissioners to be present during discussion/voting on land use item within their district;
- Allowing future Charter Review Tasks Force members be chosen by the electorate rather than Commission appointment.

Mayor Steven Losner inquired about the process to add new topics to the Task Force agenda in the future, to which ACA Valdes advised that the Task Force had complete discretion over its agenda.

Chairman Kerbel welcomed creative thinking and offered to include new business items or accept suggestions for future agendas.

Commissioner Moss commented on time limitations and the Task Force's advisory role to the Board. He cautioned against pursuing divisive topics that would waste time on issues unlikely to advance, emphasizing his experience with previous charter reviews and commission deliberations.

Mayor Crystal Wagar supported the topic-based meeting structure and suggested meeting twice monthly while accommodating school schedules during August planning.

Ms. Rebecca Wakefield recommended examining the working relationships between the County and constitutional officers, including applicable ethics and procurement rules and their service responsibilities. She also suggested considering regional approaches to issues like climate resilience, transportation, and utilities rather than fragmented County-municipal responses.

Mr. Eric Eikenberg proposed adding election reform and annexation/incorporation topics and moved to direct staff to prepare recommendations for general charter revisions and technical corrections for the next meeting. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed by a vote of 12-0 (Mayor Joshua Dieguez, Mayor Andre D. Pierre, and Florida State Representative Michael D. Redondo were absent).

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Ms. Escarra asked whether constitutional officers could submit their own recommendations.

Chairman Kerbel confirmed that constitutional officers would be welcome to provide input and emphasized the Task Force needed their participation and perspectives on charter modifications.

Mr. Jimenez stressed the importance of examining budget processes, particularly as constitutional officers assumed independent budget authority, to better understand the County's financial operations.

Mr. Eikenberg advocated for budget requirements addressing economic cycles, noting how property tax revenue surges created spending patterns that became unsustainable during downturns, causing severe budget cuts. He proposed financial planning guidelines applicable to all County budgets, not just constitutional officers.

Chairman Kerbel agreed to incorporate budget discussions with constitutional officers topics and outlined a meeting sequence: two (2) sessions on constitutional officers, followed by sessions on government structure (including Mayor Losner's proposals), then annexation and incorporation, land use combined with sea level rise and resilience, and concluding with budget processes.

Ms. Escarra commented on the time constraints, noting only six (6) meetings were possible before the November 4, 2025 preliminary report deadline. She suggested concentrating meetings in September after August's reduced government activity and proposed evening or weekend sessions to enhance public participation.

Mayor Losner identified conflicts with the League of Cities meeting on August 15, 2025 and recommended 10 a.m. start times to help members avoid peak traffic hours. He supported accelerated scheduling and emphasized constitutional officers warranted at least two (2) comprehensive meetings.

Extensive scheduling discussions followed as members shared their availability conflicts. Various dates were considered, with Senator Calatayud noting travel conflicts and multiple members citing scheduling challenges. The suggestion emerged to use polling to determine optimal meeting dates.

Mr. Eikenberg moved to schedule the next meeting for August 1, 2025, focusing on constitutional officers. This motion was seconded by Mayor Steven Losner, and upon being put to a vote, passed by a vote of 12-0 (Mayor Joshua Dieguez, Mayor Andre D. Pierre, and Florida State Representative Michael D. Redondo were absent).

Commissioner Moss requested background materials on constitutional officers in other jurisdictions, specifically mentioning Broward County's longstanding experience, to help members prepare for informed discussions.

Mr. Damian de la Paz committed to providing comparative materials from other Florida counties with constitutional officers and offered individual briefings for members with follow-up questions.

Ms. Stephanie Daniels specifically requested information from Counties that recently transitioned to constitutional officers rather than those with established systems.

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Mr. Damian de la Paz confirmed staff would prepare comprehensive comparison materials highlighting both established and recently converted systems.

Chairman Kerbel summarized the agreed meeting topics sequence as follows:

1. Two (2) meetings dedicated to discussing constitutional offices;
2. Two (2) meetings to discuss governmental structure;
3. One (1) meeting on annexation and corporation;
4. One (1) meeting dedicated to discussing land-use and sea level rise; and
5. One (1) meeting on budget processes.

Mayor Steven Losner moved to approve the schedule as presented by Chairman Kerbel. This motion was seconded by Mayor Crystal Wagar, and upon being put to a vote, passed by a vote of 12-0 (Mayor Joshua Dieguez, Mayor Andre D. Pierre, and Florida State Representative Michael D. Redondo were absent).

Ms. Escarra inquired about virtual meeting capabilities.

ACA Valdes explained that the legislation (R-255-24) mandated physical quorum attendance, with voting restricted to physically present members, though virtual participation might be possible for non-voting purposes.

Chairman Dennis Kerbel moved to authorize hybrid meetings, as long as a physical quorum was met. This motion was seconded by Commissioner Dennis Moss, and upon being put to a vote, passed by a vote of 12-0 (Mayor Joshua Dieguez, Mayor Andre D. Pierre, and Florida State Representative Michael D. Redondo were absent).

Commissioner Moss asked if the ethics presentation satisfied required training obligations.

ACA Valdes confirmed he would check with the Miami-Dade Commission on Ethics and Public Trust.

VII – ADJOURNMENT

There being no further business to come before the Charter Review Task Force, the meeting was adjourned at 2:04 p.m.



Chairman Dennis Kerbel
Charter Review Task Force



BOARD OF COUNTY COMMISSIONERS

Miami-Dade County Charter Review Task Force

July 10, 2025

Prepared by: Bryce Stephenson-Pickett

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	7/10/2025 CHARTER REVIEW TASK FORCE AGENDA
-	LETTER FROM STATE REPRESENTATIVE MICHAEL REDONDO REGARDING ABSENCE AND CONSIDERATION FOR CHAIRMAN
-	EMAIL THREAD REGARDING MAYOR ANDRE PIERRE'S ABSENCE FROM THE 7/10 CHARTER REVIEW TASK FORCE AGENDA
-	PRESENTATION: MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST: MIAMI-DADE CHARTER REVIEW TASK FORCE
-	PRESENTATION: COUNTY ATTORNEY'S OFFICE: OVERVIEW OF HOME RULE AND MIAMI-DADE COUNTY CHARTER
-	ALTERNATIVE MEETING LOCATION: MAIN LIBRARY AUDITORIUM

Miami-Dade County Charter Review Task Force Agenda
Official Version
Thursday, July 10, 2025
12:00 PM
Commission Chambers

- I. Welcome Remarks
- II. Introduction of Charter Review Task Force Members and Staff
- III. Reasonable Opportunity for the Public to be Heard
- IV. Selection of Charter Review Task Force Chairperson & Vice Chairperson
- V. Presentations
 - A. Overview of Florida's Sunshine Law, Public Records, and Conflict of Interest
 - B. Overview of Resolution No. R-225-24 Creating the Charter Review Task Force
 - C. Overview of Home Rule Amendment and Miami-Dade County Charter
 - D. Staff Report on Technological and Communication Resources
- VI. Comments/Discussion by Task Force members
 - A. Meeting Schedule
 - B. Areas of Study
 - C. Other Discussion Items
- VII. Adjournment

Attachments

- (1) Task Force Members
- (2) [Resolution No. R-225-24](#)
- (3) The Home Rule Amendment and Charter
- (4) [2017 Charter Review Task Force – Final Report](#)
- (5) Proposed Amendments Submitted to the Voters (2018-Present)
- (6) Commission Chambers Availability
- (7) 2025 Calendar of the Miami-Dade County Board of County Commissioners

**Miami-Dade County
Charter Task Force Members**

Members	Appointing District/Entity	Appointment Status
Stephanie Daniels	1	APPOINTED
Mayor Andre D. Pierre	2	APPOINTED
Mayor Crystal Wager	3	*APPOINTED – PENDING OATH OF OFFICE
Rafael E. Granado	4	APPOINTED
Rebecca Wakefield	5	APPOINTED
Robert H. Fernandez	6	APPOINTED
Iris Escarra	7	APPOINTED
Dennis A. Kerbel	8	APPOINTED
Commissioner Dennis C. Moss	9	*APPOINTED – PENDING OATH OF OFFICE
Mike Redondo	10	APPOINTED
Senator Alexis Calatayud	11	APPOINTED
Jose Jimenez	12	APPOINTED
Mayor Joshua Dieguez	13	APPOINTED
Eric Eikenberg	MAYOR	APPOINTED
Mayor Steven D. Losner	MDCSLD	APPOINTED

MEMORANDUM

Agenda Item No. 11(A)(4)

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	March 19, 2024
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Resolution creating a Charter Review Task Force; setting forth membership, organization, powers and responsibilities of such Task Force; providing for a report; and providing for sunset

A substitute was presented and forwarded to the BCC with a favorable recommendation at the March 11, 2024 Chairman's Policy Council and Intergovernmental Affairs Committee.

This substitute item differs from the original version in that it:

1. Includes express language in section 1 that this Board has reviewed the Miami-Dade Home Rule Charter in accordance with section 9.08 of the Home Rule Charter and determined that there is a need to make certain revisions to the Home Rule Charter to address, among other issues, the transition to elected constitutional officers under the Florida Constitution on January 7, 2025.
2. Moves the date the Charter Review Task Force initially takes effect from January 7, 2025 to June 1, 2025.
3. Requires appointments to the Task Force to be made between January 1, 2025 and May 1, 2025 as opposed to 180 days following the effective date of this resolution.
4. Clarifies that nothing herein would prohibit the Task Force from conducting by electronic means any public meetings required by this resolution.
5. Requires the Task Force to provide an initial written report containing any preliminary recommendations no later than 14 days prior to the Board's last regularly scheduled meeting in November 2025 and a final written report containing all recommendations no later than 14 days prior to the Board's first regularly scheduled meeting in April 2026.
6. Makes conforming changes and correct scrivener's errors in sections 1, 2, and 8 of the resolution.

Rule 5.06(i) of the Board's Rules of Procedure provides that differences between an original item and a substitute item should be uniquely identified in the substitute by double underlining and double strike-through, or where such approach would not clearly show the difference or are not practical, by providing footnotes or comments on the item. Based on Rule 5.06(i), the preceding comprehensive description of the differences between the original item and substitute is provided in lieu of double underlining and double strike through.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.


Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 19, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
3-19-24

RESOLUTION NO. _____

RESOLUTION CREATING A CHARTER REVIEW TASK
FORCE; SETTING FORTH MEMBERSHIP,
ORGANIZATION, POWERS AND RESPONSIBILITIES OF
SUCH TASK FORCE; PROVIDING FOR A REPORT; AND
PROVIDING FOR SUNSET

WHEREAS, section 9.07 of the Home Rule Charter provides that amendments to the Charter may only be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors as set forth in the Charter; and

WHEREAS, section 9.08 of the Home Rule Charter requires the Board of County Commissioners at least once in every five-year period to review the Charter and determine whether or not there is a need for revisions of the Charter; and

WHEREAS, in 2012 and 2017, this Board most recently created Charter Review Task Forces to review the Charter and advise the Board of any recommended amendments or revisions; and

WHEREAS, it is approximately five years since the creation of the last Charter Review Task Force; and

WHEREAS, on November 8, 2018, the electors of the State of Florida adopted an amendment to the Florida Constitution removing the constitutional grant of authority of Miami-Dade County and other charter counties to: (1) abolish the county constitutional offices of sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court; (2) transfer

the duties and functions of those offices to another officer or office; (3) change the length of the four-year term of office; or (4) establish any manner of selection other than by election by the electors of the county; and

WHEREAS, the 2018 amendment to the Florida Constitution provided that the provision relating to constitutional officers shall not take effect in Miami-Dade County until January 7, 2025, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2024; and

WHEREAS, as a result of the 2018 amendment, the offices of Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections will be reestablished independent elected positions in Miami-Dade County on January 7, 2025; and

WHEREAS, there may be a need to change provisions of the Home Rule Charter to address this transition to independently elected constitutional offices; and

WHEREAS, this Board finds that it would be beneficial to propose any needed amendments to the Home Rule Charter after the constitutional offices have been reestablished so that the input of the elected constitutional officers can be considered; and

WHEREAS, section 9.07 of the Home Rule Charter states that “[e]lections on charter amendments proposed by the Board shall be held in conjunction with the next scheduled general election after the Board adopts a resolution proposing any amendment”; and

WHEREAS, Rule 9.03.04 of this Board’s Rules of Procedure also requires that the County hold six public meetings regarding any resolution calling for amendments to the Home Rule Charter, and such public meetings are to be held prior to committee review or adoption of such resolution, if committee review is waived or not required; and

WHEREAS, Rule 9.03.05 of this Board's Rules of Procedure requires that any County questions placed on a general election ballot have to be approved no later than the earlier of 77 days prior to the general election or one week prior to the primary election; and

WHEREAS, the next scheduled general election after the constitutional offices are reestablished as independent elected positions in Miami-Dade County will occur on November 3, 2026; and

WHEREAS, the creation of a new Charter Review Task Force that will convene and operate throughout 2025 will provide considerable opportunity for public input and focused study of possible amendments to the Charter while also providing sufficient time to meet the public hearing requirements and deadlines set forth in this Board's Rules of Procedure,

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

Section 1. In accordance with section 9.08 of the Home Rule Charter, this Board has reviewed the Miami-Dade Home Rule Charter and determined that there is a need to make certain revisions to the Home Rule Charter to address, among other issues, the transition to elected constitutional officers under the Florida Constitution on January 7, 2025. Accordingly, this Board hereby establishes a Charter Review Task Force to advise this Board and assist with preparing proposed revisions to the Home Rule Charter. The Charter Review Task Force shall consist of 15 members, 13 of which shall be appointed by each County Commissioner, one by the Mayor of Miami-Dade County, and one by the Chair of the Miami-Dade Legislative Delegation, and shall take effect on June 1, 2025. In the event the Chair of the Miami-Dade Legislative Delegations declines, in writing, the opportunity to appoint a member to the Charter Review Task Force, the Mayor of Miami-Dade County shall appoint an additional member. Appointments shall be made

by submission of a memorandum to the Clerk of the Board of Miami-Dade County by each official or entity authorized to make such appointment between January 1, 2025 and May 1, 2025. If an initial appointment to the Charter Review Task Force which is subject to individual commissioner appointment remains unfilled for more than 30 days following the deadline provided, such appointment may thereafter be filled by action of the County Commission. Except as otherwise provided, any vacancies on the Charter Review Task Force shall be filled in the manner provided for in the initial appointment, and, if any vacancy which is subject to individual commissioner appointment remains unfilled for more than 30 days from the creation of the vacancy, it may thereafter be filled by action of the County Commission. The Charter Review Task Force shall reflect racial, ethnic, and gender balance and diversity and its members shall be electors of Miami-Dade County.

Section 2. The Charter Review Task Force shall select one member to serve as Chairperson, and one member to serve as Vice-Chairperson who shall discharge the office of Chairperson in the Chairperson's absence. In order to transact any business, take any action, or exercise any power vested in the Task Force, a quorum consisting of a majority of those persons duly appointed shall be present. The Task Force shall adopt any rules it deems necessary for the conduct of its meetings, as long as such rules do not contravene this resolution, the Florida Statutes, or the County Code. Task Force members shall serve without compensation.

Section 3. The Charter Review Task Force shall be staffed by the County Mayor or the County Mayor's designee, the County Attorney, and County Clerk.

Section 4. The Charter Review Task Force shall review the Home Rule Charter of Miami-Dade County in its entirety and shall prepare and submit to this Board written recommendations setting forth any proposed amendments or revisions to the Charter. In conducting its review, the Task Force should:

- a. Study the Final Report of the last Charter Review Task Force;
- b. Study all proposed charter amendments submitted to the voters since the last Charter Review Task Force issued its recommendations;
- c. Invite knowledgeable members of the community to appear and make recommendations;
- d. Conduct public hearings at various stages in the review process; and
- e. Conduct regional public meetings (for example, in North, South, West, and Central Miami-Dade County) to convey recommendations of the Charter Review Task Force to persons in attendance and receive any additional comments from the public regarding recommendations.

The Task force shall reconvene to consider any public comments prior to submission of a final report to the Board of County Commissioners recommending charter amendment proposals and placement of such proposals on the general election ballot. These regional public meetings shall be in addition to meetings which are to be conducted in accordance with the Code of Miami-Dade County, Florida. Nothing herein would prohibit the Task Force from conducting by electronic means any public meetings required by this paragraph, excluding any meetings where action will be taken by the Charter Review Task force.

Section 5. All proceedings of the Charter Review Task Force shall be conducted in accordance with the Government in the Sunshine Law (section 286.011, Florida Statutes) and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. The Task Force shall be deemed an "agency" for the purposes of the Public Records Law (chapter 119, Florida Statutes).

Section 6. The Charter Review Task Force shall provide an initial written report containing any preliminary recommendations no later than 14 days prior to the Board's last regularly scheduled meeting in November 2025 and a final written report containing all recommendations no later than 14 days prior to the Board's first regularly scheduled meeting in April 2026. However nothing herein prohibits the Task Force from providing an additional report or reports to the Board prior to such time. Any report prepared and provided by the Task Force shall be placed on the next available agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

Section 7. Nothing in this resolution precludes the Board of County Commissioners or a petitioner who has been certified to have submitted a legally sufficient initiative petition with sufficient signatures from placing a proposal to amend the Charter on the ballot, nor does anything herein preclude the Mayor of Miami-Dade County from seeking to place such a proposal on the ballot.

Section 8. The County Attorney is hereby directed to prepare any necessary resolutions to place any recommendations from the Charter Review Task Force on the November 2026 General Election ballot.

Section 9. The Task Force created pursuant to this resolution shall sunset and stand dissolved on the 365th day from the effective date of the task force set forth in section 1 of this Resolution, unless it is extended by an ordinance duly adopted by the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of March, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Michael B. Valdes



THE
HOME RULE
AMENDMENT
AND
CHARTER

(AS AMENDED THROUGH
NOVEMBER 8, 2022)

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

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.

Note: The Florida Constitution of 1968 contains the following language providing that the Home Rule Amendment to the Florida Constitution of 1885 remains in full force and effect:

ARTICLE VIII, SECTION 6 FLORIDA CONSTITUTION 1968
--

Section 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

* * *

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

* * *

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 and copying, consistent with the requirements of the State of Florida's public records laws, 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.** A citizen may bring a cause of action alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction and if successful, shall be entitled to recover costs as fixed by the Court. The Commission on Ethics and Public Trust may also enforce the provisions of this Article and may impose any penalty authorized by County Code not otherwise prohibited by a collective bargaining agreement, for a violation of this Article. Any penalty imposed by the Commission on Ethics and Public Trust pursuant to this subsection may be enforced in the Miami-Dade County Circuit Court.
- (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; provided, however, any decision to include any additional land within the Urban Development Boundary of the County's Comprehensive Development Master Plan shall require a two-thirds vote of the Board of County Commissioners then in office.
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: (1) when an existing or proposed special purpose district is located entirely within the boundaries of a municipality, the Board of County Commissioners may, by ordinance, provide that upon assumption by a municipality of any and all liabilities of an existing special purpose district or upon the creation of a proposed special purpose district, the governing body of such municipality be the governing body of the special purpose district rather than the Board of County Commissioners; and (2) 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.

I. Each ordinance or resolution adopted by the Board of County Commissioners transferring the ownership or governing authority of the Miami International Airport, PortMiami or the Miami-Dade Expressway Authority shall only become effective upon approval by a majority vote of the qualified electors of Miami-Dade County at the next available general election.

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 OF COUNTY ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES.

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 Miami-Dade County who qualifies as a candidate for election to the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser

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 IN THE OFFICE OF MAYOR OR COUNTY COMMISSIONER.

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 90 days thereafter to fill the vacancy. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. 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 90 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. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. 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.

Notwithstanding the foregoing, a vacancy in the office of Mayor or the members of the Board which will be created as a result of an irrevocable resignation to run for another office that is effective after the Primary or General Election in accordance with state law shall be

filled by election as if the officer's term were otherwise scheduled to expire. A person elected to fill such vacancy shall take office on the effective date of the resigning officer's resignation and serve for the remainder of the unexpired term of office.

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

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. 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.

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.

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.

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.

**SECTION 2.03. TEMPORARY TRANSFER OF
MAYORAL POWERS AND
RESPONSIBILITIES UPON A
VACANCY OR INCAPACITY
IN THE OFFICE OF MAYOR.**

Upon a vacancy or incapacity in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter or the Mayor is no longer incapacitated, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission. If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in a commissioner chosen by a majority of those Board members present. The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. The Board shall by ordinance establish a definition of incapacity in the Office of Mayor for purposes of this Section.

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 for County Commission or Mayor 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. No votes cast in favor of any candidate who withdraws, becomes disqualified, or becomes deceased prior to any election shall be counted. The names of unopposed candidates for Mayor and County Commissioners shall not appear on an election ballot and such election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

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.

E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four-year terms. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two term limit.

SECTION 3.02. OATH OF OFFICE.

In addition to the oath of office set forth in the Florida Constitution for state and county officers, each County Commissioner and the County Mayor shall, upon entering the duties of such offices, swear or affirm:

“I do solemnly swear (or affirm) that I will support, protect, and defend the Miami-Dade County Home Rule Charter and Government of Miami-Dade County and that I will

well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God.”

SECTION 3.03. NONPARTISAN ELECTIONS.

All elections for Mayor, Clerk of the Circuit Court and the 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

RESERVED

ARTICLE - 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

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. Notwithstanding any other provision of the Charter to the contrary, in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson

of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.

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, 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 countywide 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.

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.

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 pre-reserved 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 6.04, 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, with an

affirmative vote of the members of the Board of County Commissioners. In making such decision, the Board shall consider whether commercial areas are included in the boundaries of the proposed area to be annexed for the mere benefit of increasing the tax base of the annexing municipality. Changes that involve the annexation or separation of an area of which more than 250 residents are electors shall also require an affirmative vote of a majority of those electors voting. 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.

A. 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 6.03. 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.

B. A new municipality may also be created by petition of electors residing in the area to be incorporated in accordance with the following process:

1. An incorporation committee composed of a minimum of five (5) electors from the proposed area of incorporation will initiate the process by filing with the Clerk of the Circuit Court an initiatory petition on a form prescribed by the Clerk for such purpose. The form shall identify the names and addresses of the Incorpor-

ration Committee members and describe the proposed incorporation area. The form of the petition shall prominently state that a budgetary analysis and a copy of the proposed charter will be distributed to the electors within the area and made available, as required by this section. Within seven (7) days of receipt of the form, the Clerk will determine if the form is acceptable and if it is acceptable shall approve the form of petition and provide the Incorporation Committee the total number of the electors within the proposed incorporation area and the number of required signatures which shall be equal to twenty percent (20%) of the electors in the proposed incorporation area and shall notify the Board of County Commissioners. If the Clerk determines that the form of petition does not comply with the requirements of this Charter or inaccurately describes proposed boundaries, the Clerk may disapprove the form of petition and provide notification to the Incorporation Committee and the Board of County Commissioners of the disapproval. The Clerk shall advise the Incorporation Committee as to the reasons for disapproval and the Incorporation Committee may submit a new petition at any time. If the Clerk approves the form of the petition, the Incorporation Committee, within ninety (90) days of such approval, shall submit to the Board of County Commissioners a proposed municipal charter, which, at a minimum, shall set forth the form of government and governing body of the newly incorporated area as well as provide for the conditions for incorporation as set forth in Section 6.05(B)(7) below. During such ninety (90) day period, the incorporation committee shall hold at least three public hearings on the proposed municipal charter, in three different locations in the area proposed to be incorporated, notice of which shall be mailed to all electors within the area proposed for incorporation.

2. (a) No later than ninety (90) days from the date of approval of the above form by the Clerk, the Board of County Commissioners shall review the appropriateness of the petition for incorporation and proposed municipal charter and recommend any changes to the

boundaries of the proposed municipality and proposed municipal charter to the Incorporation Committee at a public hearing.

- (b) At such public hearing, the Board of County Commissioners shall approve the proposed incorporation petition, as presented in the petition or as revised by the Incorporation Committee, or reject the incorporation petition as presented or as revised by the Incorporation Committee.
 - (c) The County Commission's failure to review the incorporation petition within the time required by this paragraph is subject to mandamus by a court of competent jurisdiction.
3. The Incorporation Committee will have six (6) months from the date by which the Board was required to have reviewed the incorporation petition to obtain signatures equal to twenty percent (20%) of the electors in the proposed incorporation area, with signatures on a petition provided by the Clerk. The petition shall require the name, address and signature of the elector and such signatures shall be notarized.
 4. The signed petitions will be submitted to the Supervisor of Elections, who shall have thirty (30) days to canvass the signatures contained therein.
 5. Upon certification of the sufficiency of the signatures on the petition, the Supervisor of Elections shall present the petition to the Board of County Commissioners at their next regularly scheduled meeting. After conducting a public hearing at such meeting, the Board of County Commissioners shall decide whether or not to call an election to authorize the creation of a city and approve a municipal charter for the proposed municipality. If the Board decides to call an election to authorize the creation of the municipality and approve the municipal charter, such election shall occur no sooner than ninety (90) and no greater than one hundred twenty (120) days from the date the Supervisor of Elections certifies the signatures. The election shall be held, whenever practi-

cable, in conjunction with another election scheduled to occur within the prescribed time period. The election shall be decided by an affirmative vote of a majority of electors voting in the proposed incorporation area.

6. During the sixty (60) days following the certification of the petition, the Board shall complete a budgetary analysis in cooperation with the Incorporation Committee of and on the proposed incorporation area and schedule at least one public hearing prior to the incorporation election. The budgetary analysis, including a response by the incorporation committee if submitted, shall be provided to the resident electors of the proposed municipality by mail and shall be made available at locations within the proposed municipality. The proposed municipal charter shall be made available at locations within the proposed municipality and made available electronically. Such budgetary analysis shall at a minimum estimate all of the identifiable revenues generated by the proposed incorporation area prior to incorporation, and present the operating expenses of comparable small, medium and large municipalities providing typical municipal services.
7. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by the County Home Rule Charter and the Constitution and general laws of the State of Florida; provided, however, any proposed municipality whose boundaries include any area outside the urban development boundary, as may be described in the County's Comprehensive Development Master Plan, shall abide by the permitted uses as set forth in such plan. It is further provided, as a condition of incorporation, that the new municipality shall provide in its charter: to remain a part of the Miami-Dade Fire Rescue District, to remain a part of the Miami-Dade Library System, to contract with Miami-Dade County for local patrol police services for a minimum of three years, for Miami-Dade County to retain authority for residential garbage and refuse collection and disposal within the proposed new municipality, and for the

payment, assumption, or other satisfaction for that portion of the County's preexisting debts and obligations or other refundings secured by revenues or taxes collected within the proposed municipality's area and that neither the new municipality nor its electors shall take any action that would adversely affect the County's bond or other debt obligations that are secured by taxes or revenues from the area constituting the new municipality.

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, Greynolds 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 the following, provided that there be no adverse impact to natural resources on lands acquired or designated for preservation by the Board of County Commissioners:

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;

M. Campgrounds and limited overnight camping accommodations in cabins/lodges only for park patrons at Camp Matecumbe; and

N. Miami-Dade County Public Library System facilities providing library services to the public so long as such library facilities are established within recreation

facilities, are compatible within the surrounding park and do not unreasonably impair the public use of the park.

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 at Tamiami Park and to any expansion of Florida International University onto no more than 64 acres therein upon the relocation of the Miami-Dade County Fair & Exposition, Inc. No County funds shall be used for the University's expansion and for the required relocation of the Miami-Dade County Fair & Exposition, Inc. The restrictions applying to parks in this Article shall also not apply to 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, the Miami-Dade County Regional Soccer Park on NW 58th Street, 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 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. 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 Commissioners meeting subsequent to the date the Clerk approves the petition as to form to hear testimony from the public and for the Board of County Commissioners to determine the legal sufficiency of the petition upon the advice of the County Attorney.
2. The person or persons circulating the petition shall, within 120 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. The person or persons circulating the petition shall not pay or offer to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition. Any signed petitions collected by a circulator paid on a basis related to the number of signatures obtained shall be invalid.

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 determined by 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, or the Property Appraiser may be 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 a countywide election to be held in conjunction with the next scheduled general election after the date that a certified petition is presented to the County Commission.

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 in conjunction with the next scheduled general election 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.

SECTION 9.11. INSPECTOR GENERAL.

There is hereby created and established an Office of the Inspector General. The Inspector General shall head the Office of the Inspector General. The minimum qualifications, term, powers, duties and responsibilities of the Inspector General as well as the organization of the Office of the Inspector General shall be set forth by Ordinance. Such Ordinance shall, at a minimum, provide that: (1) the Office of Inspector General be sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General; (2) the Office of the Inspector General be empowered to perform investigations, audits, reviews and oversight of County contracts, programs, projects, abuse, waste and mismanagement as well as County-funded contracts, programs and projects; and (3) the Office of Inspector General be empowered to provide inspector general services to other governmental entities and municipalities upon the approval of a request to provide such services by a majority of the Board of County Commissioners.

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.

SIGNERS OF METROPOLITAN
CHARTER
BOOK 182 PAGE 691

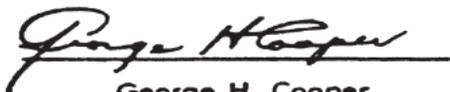
The Metropolitan Charter Board of Dade County, Florida, hereby delivers to E.B. Leatherman as Clerk of the Circuit Court of Dade County, Florida, the foregoing proposed Charter for Dade County, and certifies that it has been prepared by the Metropolitan Charter Board pursuant to Chapter 31420, Laws of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


Charles H. Crandon

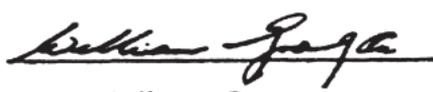

William L. Pallot


Maxine E. Baker


Franklin Parson


George H. Cooper

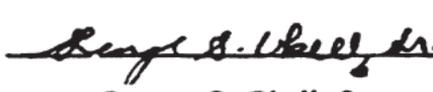

Kurt Peiser


William Grogan


W. Keith Phillips

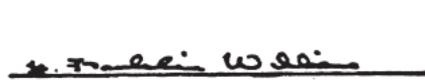

Malvina W. Liebman


J. D. Ryan

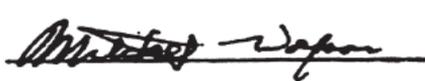

George S. Okell, Sr.


William D. Singer


Max Orovitz


H. Franklin Williams


Joseph J. Orr


Mitchell Wolfson


S. D. Phillips, Jr.

April 15, 1957

ORIGINAL CERTIFICATION OF CHARTER BOARD

April 15, 1957

Memorandum



Date: February 28, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Robert A. Cuevas, Chairman
Charter Review Task Force 

Subject: Charter Review Task Force – Final Report

Attached for consideration of the Board of County Commissioners is the Final Report of the Charter Review Task Force. I am honored to have been appointed Chairman by the members of the Charter Review Task Force and, I want to thank Vice-Chair Maria Lievano-Cruz and my fellow Task Force Members for dedicating their time to this important process

This work could not have been performed without the professional support of staff from the County Mayor's Office, County Attorney's Office and the Clerk of the Board. In addition, we would like to thank the Department of Communications for their assistance in engaging residents and publicizing the work of the Task Force, and the County's Office of Management and Budget for their detailed, timely and comprehensive research on issues discussed by the Task Force.

Thank you for considering the final recommendations of the Charter Review Task Force and for your continued service on behalf of our community.

C: Honorable Carlos A. Gimenez, Mayor
Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
Members of the Charter Review Task Force
Abigail Price Williams, County Attorney
Geri Bonzon-Keenan, First Assistant County Attorney
Department Directors
Office of the Mayor Senior Staff
Christopher Agrippa, Clerk of the Board

Miami-Dade County Charter Review Task Force

Final Recommendations Report

February 26, 2018

www.miamidade.gov/charter

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Executive Summary

Pursuant to Resolution No. R-304-17, the Miami-Dade County Charter Review Task Force reviewed the Home Rule Charter of Miami-Dade County in its entirety. This report sets forth the Task Force's analysis of the Charter, and proposed amendments or revisions for Board consideration to place before the voters of Miami-Dade County. The Task Force convened on June 28, 2017 and conducted 11 public meetings, obtained input from experts, the public and County staff, and, after this extensive review process, adopted eight final recommendations for amendment to the Miami-Dade County Home Rule Charter.

Recommended Charter Amendments

Recommendation No. 1A: Commission Compensation

Increase Commissioner salaries to the amount set by the State formula for county commissioner salaries (currently \$99,997).

Recommendation No. 1B: Commission and Mayor Compensation

Create an independent salary commission which shall annually set the Commissioners' and Mayor's salary.

Recommendation No. 2: Nonpartisan Elections

Provide that **elections** for Office of the Clerk of Courts be **nonpartisan**.

Recommendation No. 3: Election and Commencement of Terms of County Commissioners

Repeal term limits for County Commissioners.

Recommendation No. 4: Commission Office of Budget and Management

Change the name of the **Office of Commission Auditor** to the Commission of the Office of Budget and Research and remove the requirement that the Director be a certified public accountant.

Recommendation No. 5: Forfeiture of Office of County Elected and Appointed Officials and Employees

Limit the requirement for a **County appointed official or employee of the County** who **qualifies as a candidate** for elective office to take a **leave of absence** and, if elected to **forfeit** his or her County position, only to those who qualify **for County elective office**.

Recommendation No. 6: Initiative and Referendum

Preclude persons circulating **Initiative and Referendum petitions** from **paying** or receiving payment on a basis related to the **number of signatures obtained** for circulating the petition.

Recommendation No. 7: Initiative and Referendum

Provide that the **County Commission shall determine the legal sufficiency** of citizen **Initiative and Referendum petitions** prior to collection of signatures.

Recommendation No. 8: Election and Commencement of the Mayor and County Commissioners

Amend the Charter to provide that the names of unopposed candidates for **Mayor and County Commissioners** shall not appear on the **runoff election ballot** and a runoff election shall not take place. Each **unopposed candidate** shall be deemed to have voted for himself or herself. No votes cast in favor of any **candidate who withdraws or becomes disqualified or deceased** prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

Introduction and Background

Miami-Dade County became the first home rule County in Florida with the adoption of the Home Rule Charter in 1957. The Home Rule Charter was adopted pursuant to a special grant of authority in the Florida Constitution to the voters of Miami-Dade County through the Miami-Dade County Home Rule Amendment. 2017 marked the 60th anniversary of the Charter's adoption. The Home Rule Amendment grants the voters of Miami-Dade County very broad powers to determine for themselves the form of their local government.

The Home Rule Charter begins with a Citizens' Bill of Rights. It sets forth the power of the Board of County Commissioners and the Mayor, and sets forth the process for their election. The Charter also addresses the Administrative Organization and Procedure for the County, including a framework of powers of municipalities, initiative, referendum and recall, and other general provisions.

In order to ensure that the Home Rule Charter is responsive to the changing needs of our community, Section 9.08 of the Charter requires that the Board of County Commissioners, at least once in every five year period, review the Charter and determine whether or not there is need for revisions and then must be approved by an affirmative vote of the electorate. Amendments may be proposed and placed on the ballot either by the Board of County Commissioners or by petition of the citizens.

On March 20, 2017, the Board of County Commissioners approved Resolution No. R-304-17 creating the 2017 Charter Review Task Force. The Charter Review Task Force was charged with reviewing the Home Rule Charter of Miami-Dade County in its entirety and preparing and submitting to the Board of County Commissioners written recommendations setting forth any proposed amendments or revisions to the Charter.

In conducting its review, the Task Force was directed to:

- Study the Final Report of the last Charter Review Task Force;
- Study all proposed charter amendments submitted to the voters since the last Charter Review Task Force issued its recommendations;
- Invite knowledgeable members of the community to appear and make recommendations;
- Invite representatives of Miami-Dade County's municipalities to appear and make recommendations;
- Conduct public hearings at various stages in the review process;
- Conduct regional public meetings to convey recommendations of the Charter Review Task Force to persons in attendance and receive any additional comments from the public regarding recommendations. The Task Force was to reconvene to consider any public comments prior to submission of a final report to the Board of County Commissioners recommending charter amendment proposals and placement of such

proposals on the General Election ballot. These regional public meetings were to be in addition to meetings which are to be conducted in accordance with the Code of Miami-Dade County, Florida.

The Task Force successfully completed each of these tasks.

The Task Force met on the following days, at the following locations, and afforded the public the opportunity to provide input on possible amendments to the Charter:

- June 28, 2017 at 10:00 a.m. - Miami-Dade Library Auditorium
- July 17, 2017 at 6:00 p.m. - County Commission Chambers
- August 14, 2017 at 6:00 p.m. - County Commission Chambers
- August 28, 2017 at 6:00 p.m. - County Commission Chambers
- September 11, 2017 (cancelled due to Hurricane Irma)
- September 25, 2017 at 6:00 p.m. - County Commission Chambers
- October 16, 2017 at 6:00 p.m. - County Commission Chambers
- October 30, 2017 at 6:00 p.m. - County Commission Chambers
- November 13, 2017 at 6:00 p.m. - County Commission Chambers
- November 28, 2017 at 6:00 p.m. - Doral City Hall
- December 4, 2017 at 6:00 p.m. - North Dade Regional Library
- December 11, 2017 (Virtual Meeting) at 6:00 p.m. - County Commission Chambers
- February 12, 2018 at 6:00 p.m. - County Commission Chambers
- February 26, 2018 at 6:00 p.m. - County Commission Chambers

At the request of the Task Force members who were present at the February 26, 2018 meeting, the chart on page 9 was created to indicate attendance and service dates of each Task Force member.

Attendance Record

Member	6/28	7/17	8/14	8/28	9/25	10/16	10/30	11/13	11/28	12/4	12/11	2/12	2/26
George M. Burgess ¹	A	P	A	A	A	A	R	R	R	R	R	R	R
Anna-Bo Emmanuel	NA	NA	NA	NA	NA	NA	P	P	P	P	P	A	P
Jeff P. H. Cazeau	A	P	A	P	P	P	A	P	A	A	P	A	A
Alice Burch	A	P	A	A	P	P	P	P	P	P	P	P	A
Neisen Kasdin	P	P	P	A	P	A	A	A	A	A	A	A	P
Alfredo J. Gonzalez	P	P	P	P	P	P	P	P	P	P	P	P	P
Carlos-Diaz Padron	P	P	P	P	A	P	P	P	A	P	A	P	P
Mike Valdes-Fauli	P	P	P	A	A	A	P	P	P	A	A	P	P
Robert Cuevas	A	P	P	P	P	P	P	P	P	P	P	P	P
Marlon Hill	P	P	P	P	P	P	A	P	P	P	P	A	P
Maurice Ferre ²	P	P	A	P	P	A	A	A	A	A	A	R	R
Maria Lievano-Cruz	P	P	P	P	A	P	P	P	P	A	A	P	A
Luis E. Gonzalez ³	A	P	A	P	A	A	A	A	A	A	R	R	R
William Kerdyk Jr.	P	A	P	P	A	A	P	A	A	P	A	A	A
Eric Zichella ⁴	P	P	P	P	P	P	A	P	RP	RP	RP	RP	RP
Paul Hernandez	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P
Forrest Andrews	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P

A = Absent
 P = Present
 R = Resigned
 NA = Not yet appointed
 RP = Replaced

The Task Force presents this report to the Board of County Commissioners detailing the Task Force's recommendations and work reviewing the Home Rule Charter.

¹ George Burgess resigned and was replaced by Anna-Bo Emmanuel

² Maurice Ferre resigned

³ Luis E. Gonzalez resigned and was replaced by Paul Hernandez

⁴ Eric Zichella was replaced by Forrest Andrews per the request of the Dade Delegation Chairman

Public Input Process

As directed by the Board, this Charter Review process has provided for a high degree of public participation. Task Force members and County staff have been committed to identifying new and creative means of providing meaningful public information and education, as well as access to the Charter Review process. Task Force members made public outreach a priority and suggested innovative methods of communicating with residents. In an effort to encourage attendance by the public, Task Force members decided to schedule all meetings at 6:00 p.m. in the evening to allow residents an opportunity to attend. Internet technology, social media and the resources provided by the County's Communications Department greatly improved the Task Force's ability to gather public input.

Charter Website/E-mail

The Charter Review Task Force website (www.miamidade.gov/charter/task-force-2017) was launched on June 28, 2017. The comprehensive website includes a list of Task Force members and valuable information such as charter history, previous task force reports, research performed by staff and benchmarking information. The website is specifically organized to grant the public easy access to resources and information discussed throughout the review process. Specifically, for each meeting held by the Task Force, staff has worked diligently to post to the website agendas, materials minutes and video recordings as soon as they become available.

Of significant note, the website provides a vehicle to encourage public input and comment on all matters of consideration under the Task Force's purview. At any point in the review process, the public was able to send comments to the Task Force by visiting the website and submitting suggestions or via email at CHARTER@miamidade.gov. All comments received were provided to Task Force members for their review and consideration.

As of January 17, 2018, 23 substantive comments were received by email. And most significantly, since June 29, 2017, the website was visited as follows:

- 2017 Charter Review Task Force page – 2,187 views
- Charter Review Home page – 1,207 views
- 2017 Charter Review Task Force meetings tab – 976 views
- 2017 Task Force members tab – 419 views

Broadcast/Social Media

In an effort to encourage public engagement and input, every Task Force meeting was televised on Miami-Dade County TV and streamed live on the Board of County Commissioners' webcast page, and Facebook page. Web links to each meeting were posted on the Charter Review website and, multiple County social media accounts in advance of each meeting to make it easier for residents to tune in. Additionally, with the support of the Board of County Commissioners media

team, nearly every meeting held was streamed on Facebook Live, which allowed viewers to comment or ask questions.

In addition to posting live coverage of each meeting to Facebook, staff worked closely with the Communications Department to generate flyers and promotional materials that can be easily distributed throughout social media (Appendix B). These flyers were circulated to Task Force members for distribution as well.

Staff also worked to post reminders about upcoming meetings to social media accounts belonging to the Board of County Commissioners, the County Mayor, and Miami-Dade County government (Appendix C). Additionally, these flyers, along with text posts, were geo-boosted to increase visibility on followers' newsfeeds in the areas where public meetings were scheduled to take place.

- **Mayor's social media followers:**
 - Facebook: Over 10,000
 - Instagram: Over 1,500
 - Twitter: 18,000
- **Board of County Commissioners social media followers:**
 - Facebook: 287 followers
 - Twitter: 996 followers
- **Miami-Dade County's social media followers:**
 - Facebook: Over 65,000
 - Twitter: Over 64,000

Input from Community (at each meeting)

Throughout the review process, and at each meeting, the Task Force offered a reasonable opportunity for the public to be heard. By affording residents the opportunity to address the Task Force at the beginning of each meeting, the public was able to offer input on topics scheduled to be discussed, or suggest topics for subsequent meetings.

In response to the Board's direction, the Charter Review Task Force invited input from many knowledgeable members of the community. Specifically, the Task Force solicited input from Deputy Mayor Edward Marquez, who oversees the Finance Department; Jennifer Moon, Director of the Office of Management and Budget; Namita Uppal, Chief Procurement Officer for the Internal Services Department; Neil Singh, Interim Commission Auditor; Jerry Bell, Assistant Director for Planning in the Department of Regulatory and Economic Resources; Joe Centorino, Director of the Commission on Ethics; the County Attorney's Office and the Clerk's Office. Various members of City Councils and local governments also participated in the reasonable opportunity for the public to be heard.

Regional Public Meetings

In compliance with the Board's directives, the Task Force held four regional public meetings throughout Miami-Dade County.

First Public Meeting

November 13, 2017, 6:00 p.m.
South Dade Regional Library

Second Public Meeting

November 28, 2017, 6:00 p.m.
Doral City Hall

Third Public Meeting

December 4, 2017, 6:00 p.m.
North Dade Regional Library

Fourth Public Meeting (Virtual)

December 11, 2017, 6:00 p.m.
Board of County Commissioners Chambers

The public meetings were scheduled in the North, South, East and West regions of the County to grant surrounding communities the opportunity to comment on recommendations of the Task Force. The Public Meetings allowed the public to participate in person at the meeting location or by viewing the meeting live on cable TV, online, or via Facebook Live.

The Fourth Public Meeting was a virtual meeting providing a call-in number circulated via various County social media pages, Miami-Dade TV, and the Charter Review website to encourage public participation. This "Virtual Meeting" allowed viewers to share their thoughts in three ways: by attending in person, calling in, or posting comments via the Miami-Dade County Commissioners Facebook livestream or email. Staff worked with the Information Technology Department to establish a system to communicate questions posed online or over the phone directly to the Task Force during the meeting. Additionally, staff contacted commission offices to inform them of regional meetings scheduled in their respective districts.

Over 40 people attended these four public meetings. However, no additional public comments were received during the workshops via phone and email. In addition to members of the public speaking at the four public hearings, a number of elected officials attended including:

- Commissioner Daniella Levine Cava
- City of Doral Mayor Juan Carlos Bermudez
- Former Commissioner Betty T. Ferguson

Media Outreach

In advance of each Charter Review Task Force meeting, media advisories were distributed throughout the community. The media advisories provided a brief description of topics of discussion, meeting time, date and location, and background on the creation of the Task Force. All County media advisories are distributed to all major English, Spanish and Creole-language print, TV and radio stations, various municipalities, community organizations and government agencies, Jackson Memorial Hospital, Miami-Dade County Public Schools, as well as internally throughout County government.

Miami Today also consistently reported on the happenings of the Charter Review Task Force. Miami Today has a circulation of approximately 68,000.

Meeting Notices

Per Florida Statute, sunshine meeting notices were circulated and posted online to the County calendar in advance of each meeting. In addition to sunshine meeting notices, newspaper advertisements in the Daily Business Review were posted for each one of the public meetings to ensure that residents were made aware of the upcoming meetings. The Daily Business Review has a circulation of approximately 62,000.

Issues for Study

At the first Charter Review Task Force meeting, members were asked to review the current provisions of the Charter and identify and submit suggested areas of study to staff. The Task Force members also added to the list of areas of study based on input gathered from the public.

The Task Force proposed the following areas of study:

- Commissioner compensation
- Strong mayor form of government/County manager/County administrator
- Term limits
- Urban Development Boundary
- City-County Home Rule Body
- Election of commissioners/Commission composition and structure/at-large commission and district members/recalls
- County governance limitations/preemption/municipal compliance
- Budget process/Procurement process/Department of Finance
- Organization of the Department of Law
- Incorporation and annexation
- Citizens' Bill of Rights
- Placement of charter amendments before the electorate/initiative petition process
- The handling of financial difficulties in municipalities
- Section 1.01, paragraph 3 – adding ridesharing services
- Notice requirements in Section 1.02
- Section 7.01 relating to policies of parks, aquatic preserves and preservation lands
- Elected vs. appointed officers
- Independent authorities and districts
- Commission on Ethics
- Sustainable, resilient development; sea level rise
- Incorporation of technological advancements to advance transparency

Following a compilation of the suggested areas of study, and in conjunction with the Chairman of the Task Force, staff organized the proposed areas of study and assigned topics of discussion to dedicated meeting dates. The following topics were further refined, organized and placed on meeting agendas as follows:

August 14

- Strong mayor form of government: County Manager vs County Administrator
 - Powers
 - Qualifications
 - Organization and function of budget and procurement

August 14, August 28, September 25, October 16, October 30

- Budget and Procurement process/Organization of the Department of Finance

September 25

- Office of the Commission Auditor
 - Function

October 16

- Aspects of the County Commission
 - Commissioner Compensation
 - Structure and organization of the County Commission
 - Number of Commissioners
 - Method of election by district, at-large, or some combination
 - Alternate ways of fostering County-wide perspective
 - Term limits

October 16, October 30

- Provisions for handling elections during emergencies

October 30

- Urban Development Boundary

November 13, November 28, December 11

- Citizen petition process for referendum and for initiative to pass or repeal ordinances, or to amend the Charter

November 13

- Forfeiture of office

November 28

- County governance, preemption and municipal authority
- Regulation of utility franchises and County operation of utilities

November 28, December 4

- Parks, aquatic preserves and preservation lands

December 4

- Vehicles for hire operating in the County

December 11

- Election and commencement of terms of the County Mayor and County Commissioners

February 12

- Process for establishing County Mayor's annual compensation

Research

Throughout the Charter review process, extensive research and materials were collected and evaluated by County staff and provided to the Task Force. At the request of the Task Force, additional information and research were provided in advance of scheduled discussion topics. County staff worked diligently in gathering supplemental information pertaining to areas of study suggested by the Task Force.

The supplemental information provided to members included comparative analysis of similar jurisdictions with population and budget that closely resembled that of Miami-Dade County, as well as comparisons of powers delegated to the Board and Administration. Task Force members were provided historical background information on existing Charter provisions, as well as summaries for each section in the Charter. Included in the informational package provided to each Task Force member was a list of recently passed and failed ballot initiatives to amend the Charter.

The in-depth research conducted by staff also included benchmarking data of various forms of government, trends in commission compensation, structure and form of budget departments, and powers delegated to the elected or appointed officials.

In addition to supplemental information provided by staff, and prior to the discussion of each topic studied, the County Attorney's Office provided an overview of past and current Charter provisions and applicable state law.

The research and data provided to the Task Force allowed for in-depth understanding and discussion of the Charter review process.

Task Force Recommendations

Throughout the Charter review process, Task Force members made several recommendations based on individual ideas and after seeking public input and comment. Each recommendation was presented, studied, discussed and voted on by Task Force members. Detailed below are the Task Force's final recommendations to the Board of County Commissioners.

Issue No. 1A and 1B – Commission and Mayoral Compensation

Research Conducted

The Task Force reviewed data issued by the Florida Legislature's Office of Economic and Demographic Research regarding salaries of elected County constitutional officers (Appendix D). The statutory provisions established by the State Legislature apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a County home rule charter, as well as those officials of counties that have a chartered consolidated form of government.

The state statutory formula takes into consideration population, base salaries, and factors relating to the percentage increase in salaries of state career employees, and cost of living factors. Pursuant to the salary formula, and the population figures for Fiscal Year 2017-2018, the salary for County commissioners in Miami-Dade County would be \$99,997.

The Task Force was provided with comparisons of salaries of County commissioners in Broward County, Florida; Hillsborough County, Florida; Orange County, Florida; Cook County, Illinois; and Fairfax County, Virginia (Appendix E). These jurisdictions were selected based on several criteria, including population, form of government, and extent of unincorporated areas.

The Task Force was also provided with election results relating to commission compensation dating back to 1962 (Appendix F). This supplement provided ballot language presented to voters, as well as the number of ballots cast and the percentage by which the question passed or failed.

Background

Miami-Dade County established an annual salary of \$6,000 for County Commissioners in 1957, when the County's Home Rule Charter was adopted. While the demands of the position of County Commissioner have grown substantially, the salary has remained the same. Miami-Dade County is now the most populous County in the State of Florida with a population of over 2.7 million residents and a budget in excess of \$7 billion. Other counties in the State of Florida compensate their Commissioners at a significantly higher rate than in Miami-Dade County as established annually by the State based upon the population of the County. Establishing a salary established by State law for County Commissioners will provide incentive for additional individuals to become candidates for the office.

In arriving at its recommendations regarding Commission Compensation, the Task Force considered and debated the following issues:

- A proposal to increase commissioner’s salary from \$6,000 to \$50,000 (motion failed 4-4).
- Inclusion of an explanation for the reason for increasing compensation in the ballot question language.
- Elimination of compensation figure.
- Increased compensation limited up to fifty percent (50%) of the Mayor’s salary in the same year and prohibit outside employment.
- That Commissioners’ salary compensation be increased based on the Florida State formula (currently \$99,997).

The Task Force also considered a draft proposal by Commissioner Moss at the February 12, 2018 Charter Review Task Force meeting (Appendix G). The Commissioner requested that the Task Force review and make recommendations on the draft resolution prior to it being presented to the full Board. After further review, the Task Force decided to include in the final report Commissioner Moss’ proposal as an alternate to Recommendation No. 1 relating to commissioner compensation.

Recommendation 1A

The Charter should be amended to provide that each County Commissioner receive a yearly salary in accordance with state statutory formula (currently \$99,997).

Motion passed (6-2)

Amendment Language

SECTION 1.06. – SALARY.

Each County Commissioner shall receive a ~~[[salary of \$6,000 per year]]~~ >>yearly salary in accordance with general law applicable to non-charter counties which shall be << payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

Recommendation 1B

The Charter should be amended to create a three member independent salary commission whose members do not hold elective office and do not have conflicts of interest, with members appointed by the County’s Chief Judge, Clerk of Courts and the Governor; and which shall annually set the Commissioners’ and Mayor’s salaries rather than setting such salaries by Charter or by act of the Board, respectively.

Motion passed (6-2)

Amendment Language

SECTION 1.06. - SALARY.

~~[[Each County Commissioner shall receive a salary payable monthly and]] >>There shall be an independent salary commission which shall annually establish the salary for County Commissioners and the County Mayor for the next succeeding calendar year. The independent salary commission shall consist of three members appointed annually. The Chief Judge of the Eleventh Judicial Circuit, the Clerk of Courts for Miami-Dade County and the Governor of the State of Florida shall each appoint one member to the independent salary commission. The members of the independent salary commission shall not hold public elective office and shall not have a conflict of interest in their service on the independent salary commission as determined by the Commission on Ethics and Public Trust. In the event the independent salary commission fails to establish a new salary for the County Commissioners or County Mayor prior to the end of the calendar year, the County Commissioners and County Mayor shall be paid the same salary as the prior calendar year. The salary established by the independent salary commission shall be payable monthly and the County Commissioners and the County Mayor<< shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.~~

Issue No. 2 – Nonpartisan Elections

Background

It was determined by the Task Force that the Clerk of Courts should be included as nonpartisan candidates.

Luis G. Montaldo, representing the Miami-Dade Clerk of Courts, Harvey Ruvin, expressed support for this proposal during the December 11, 2017 Charter Review Task Force meeting.

Recommendation

The Charter should be amended to provide that all elections for the Clerk of Courts shall be nonpartisan and no ballot shall show the party designation of any candidate.

Motion passed (unanimous)

Amendment Language

SECTION 3.03. NONPARTISAN ELECTIONS.

All elections for Mayor, Clerk of Courts 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.

Issue No. 3 – Elimination of Term Limits

Background

The problems facing this community are difficult ones. They are not easy to understand, and they are certainly not easy to solve. The ability to do so depends on understanding the complex entity which is the County and being able to generate consensus at the Commission level as to how best to apply its many resources towards solving these problems. These intertwined prerequisites for solving our problems are developed over time through experience serving as a Commissioner. It is the opinion of the Task Force that it does not serve us well to cast away that experience arbitrarily at the end of eight years. The voters should have the ability to re-elect a Commissioner that they believe is effective, regardless of how long the Commissioner may previously have served. Experience in governing is not a negative attribute.

In arriving at its recommendations regarding the elimination of term limits, the Task Force considered and debated the following issues:

- Structure and organization of the County Commission, specifically, a proposal to have commissioners elected for four-year terms from district elections and halfway through their terms for a county-wide retention election. If not retained, a countywide election could be held to inject some countywide perspective (failed for lack of motion).
- A proposal to revise how the Board selected its Chair and Vice Chair, specifically the Chairperson and Vice Chair shall be elected for two-year terms by county-wide election and all commissioners elected within the proceeding two years shall automatically become candidates for such election. This proposals also provided that the commissioner receiving the highest votes shall become the Chairperson and the commissioner receiving the second-highest votes shall become the Vice-Chairperson. Should a tie result, the outcome shall be determined by lot (motion failed 3-5).
- Costs associated with countywide campaigns and elections.
- A rotational system to select the Chair and Vice Chair.
- A need for countywide at-large representation adding additional countywide commission seats.

Recommendation

The term limits imposed by the Charter on County Commissioners should be eliminated.

Motion passed (6-2)

Amendment Language

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

>>E. ~~Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for~~

~~more than two consecutive four-year terms. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two-term limit.<<~~

Issue No. 4 – Commission Office of Budget and Management

Research Conducted

During the August 28, 2017 Charter Review Task Force meeting, the Interim Commission Auditor, Neil Singh, presented an overview of the role and function of the Commission Auditor to the Task Force. The presentation included an explanation of the Commission Auditor’s role in the budget and legislative process.

The Task Force was provided a copy of the County Code of ordinances outlining the specific functions and responsibilities of the Commission Auditor (Appendix H), along with the table of organization for the Office of the Commission Auditor (Appendix I). Additionally, Task Force members were provided with a summary of the powers of the Commission Auditor compared to those of the County Mayor and County Commission, as provided for in the Charter (Appendix J).

Background

The Charter currently provides for an Office of the Commission Auditor. The Commission Auditor must be a certified public accountant who reports directly to the County Commission. The County Commission provides by ordinance for the specific functions and responsibilities of the Commission Auditor, which include, but are not limited to, providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and County services and contracts.

In arriving at its recommendation relating to the Office of the Commission Auditor, the Task Force considered and debated the following issues:

- Eliminating the requirement that the director be a Certified Public Accountant.
- Renaming the Office of the Commission Auditor the Commission Office of Management and Research. After further discussion the word “management” was replaced with “budget” since the Task Force did not envision much management activity occurring.
- The need for more audit functions.

Recommendation The Charter should be amended to change the name of the Office of the Commission Auditor to the Commission Office of Budget and Research (OBR), change the title of the Director to Commission OBR Director, and remove the requirement that the Director be a certified public accountant.

Motion passed (6-2)

Amendment Language

SECTION 9.10. COMMISSION AUDITOR OFFICE OF BUDGET AND RESEARCH.

There is hereby created and established the Office of the Commission Auditor office of budget and research (OBR). The Commission Auditor OBR Director, ~~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 OBR, 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.

Issue No. 5 – Forfeiture of Office of County Elected and Appointed Officials and Employees

Research Conducted

In response to a request for information on the current Charter provisions relating to forfeiture of office for County-elected and appointed officials and employees, the Task Force was provided background information on such provisions. Based on the research conducted, it was found that the County Commission approved placement of a Charter amendment, recommended by the Charter Review Board, on the May 29, 1962 ballot. The amendment prevented County officials from holding any other elective office and required appointed County officials to resign their positions in order to run for elective office. The amendment was approved by voters in a 49,168 to 6,283 vote.

Despite limited access to paper records dating back to the 1960s, the Clerk of the Board was able to provide decades-old meeting minutes containing discussions on the 1962 amendment (Appendix K). This background information allowed Task Force members to understand the context in which this provision was drafted.

Background

Section 1.05 of the Miami-Dade Home Rule Charter currently requires all Miami-Dade County appointed officials or employees who qualify for elected office to take a leave of absence from their position until after the election and, if elected, to forfeit their office. The Task Force believes that such provision overly restricts County appointees and employees from pursuing part-time public service by running for office where such service does not present a conflict with their County employment. By eliminating the restriction on running for any office except a County office, the appointees and employees will now not be categorically restricted from running for office and serving, if elected, while maintaining County employment. The employees running for and elected to other federal, state or municipal office will still be required to abide by all other County rules regarding employment and conflict of interests.

In arriving at its recommendation relating to the Office of the Commission Auditor, the Task Force considered and debated the following issues:

- Some Task Force members felt that County employees should have the right to run for office so long as it does not interfere with their job.
- Some Task Force members felt that it was not in the best interest of the workforce or County citizens for employees to have a divided allegiance.
- Applicable outside employment provisions for County employees.
- Employee responsibilities and ability to serve as an elected official.
- The various elected officials who currently serve on a part-time basis while holding full-time employment.

Recommendation

Any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser 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.

Motion passed (6-4)

At the final Charter Review Task Force meeting on February 26, the Task Force revisited Recommendation No. 5 and debated whether or not the recommendation should be included in the final report. Upon further consideration, the Task Force voted 5-4 to include Recommendation No. 5 in the final report.

Amendment Language

SECTION 1.05. - FORFEITURE OF OFFICE OF COUNTY ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES.

Any appointed official or employee of >>Miami<<Dade County who qualifies as a candidate for election to >>the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser<< [~~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.

Issue No. 6 – Compensation for Number of Signatures Obtained for Circulating a Petition

Research Conducted

The Task Force was provided with comparative analysis relating to procedures for citizen's initiative and referendum for Florida counties with a population greater than 500,000. The analysis included information on signature requirements, petition approval process, and required action after petition approval, and applicable restrictions (Appendix L).

Background

The Home Rule Charter of Miami-Dade County provides the electors of the County with the power to (1) propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, (2) remove any member of the Board of County Commissioners, the Mayor, or the Property Appraiser by recall election, and (3) propose amendments to the Home Rule Charter. All of these procedures require the circulation of a petition and the collection of a requisite number of valid signatures. In order to ensure the integrity of the signature gathering process, individuals circulating a petition for initiative, referendum, recall, or charter amendment should not be paid on a basis related to the number of signatures that they have obtained because such a payment method increases the potential for fraud.

In arriving at its recommendation, the Task Force considered and debated the following issues:

- Requiring one sworn affidavit for the entire collection of signatures for a petition.
- A limit on the amount of signatures notarized in the affidavit.
- Requiring that a sworn affidavit be filed for every 25 petition signatures.

The Task Force reviewed the issue relating to the affidavit and notary requirement to address more than one single petition with a signature and found the issue was better addressed by ordinance change rather than Charter change.

Recommendation

The Charter should be amended to provide that the person or persons circulating the petition shall not pay or offer to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition.

Motion passed (7-1)

Amendment Language

SECTION 8.01 – INITIATIVE AND REFERENDUM

The person or persons circulating the petition shall not pay or offer to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition.

Issue No. 7 – Approval of Legal Sufficiency of Petitions

Background

In arriving at its recommendation, the Task Force considered and debated the following issues:

- Conducting the legal sufficiency review at the beginning of the process in an effort to save citizens time and money.
- Input from the Clerk’s Office, specifically Luis G. Montaldo, who represented Miami-Dade Clerk of Courts, Harvey Ruvin. Specifically, Mr. Montaldo communicated that the Clerk of Courts should not be the party to determine legal sufficiency of the petition form, noting it created the potential for a conflict, caused confusion, and removed the Clerk from a neutral position.
- A recommended proposal by the Clerk of Courts providing for the Board to approve petition form for legal sufficiency.

Recommendation

The Charter should be amended to provide that subsequent to the date the Clerk approves the petition as to form, a public hearing shall be held on the proposal at the next Board of County Commissioners meeting to hear testimony from the public and for the Board of County Commissioners to determine the legal sufficiency of the petition.

Motion passed (5-3)

Amendment Language

SECTION 8.01 INITIATIVE AND REFERENDUM

~~A public hearing shall be held on the proposal at the next Board of County Commissioners meeting subsequent to the date the Clerk approves the petition as to form.~~ <<Subsequent to the date the Clerk approves the petition as to form, a public hearing shall be held on the proposal at the next Board of County Commissioners meeting, to hear testimony from the public and for the Board of County Commissioners to determine the legal sufficiency of the petition.>>

Issue No. 8 – Runoff Elections

Background

The Miami-Dade County Home Rule Charter states that “if no candidate [for County Commissioner] 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.” However, the Charter is silent as to whether a runoff election is required where a candidate for Mayor or County Commissioner becomes unopposed due to withdrawal, disqualification, or death following a general election but prior to the runoff election.

This proposal would provide that in such circumstances, no election needs to be held, which would eliminate uncertainty as to whether votes cast for a withdrawn/disqualified/deceased candidate will be counted, and spare taxpayers the seemingly unnecessary expense of a runoff election where there is only an unopposed candidate.

Recommendation

The names of unopposed candidates for Mayor and County Commissioners shall not appear on the runoff election ballot and a runoff election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. No votes cast in favor of any candidate who withdraws or becomes disqualified or deceased prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

Motion passed (unanimous)

Amendment Language

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

The names of unopposed candidates for Mayor and County Commissioners shall not appear on the runoff election ballot and a runoff election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. No votes cast in favor of any candidate who withdraws or becomes disqualified or deceased prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

Failed Recommendations

Throughout the review process, the Task Force proposed various recommendations that failed. Although the Task Force proposed various changes to the Charter that failed, the failed recommendations listed below are those that were memorialized and presented as formal amendments.

Commissioner Compensation

Proposal

The Charter should be amended to provide that each County Commissioner serve in a full-time capacity and not be entitled to any outside employment for compensation. Each County Commissioner shall receive an annual salary that shall not exceed fifty percent (50%) of the annual allowable salary of the Mayor in the same year, payable monthly and each County Commissioner shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

Failed for lack of motion

Recommendation

The Charter should be amended to provide that each County Commissioner receive a salary of \$50,000 per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

Motion failed (4-4)

Organization of Commission and Commission Committees

Proposal

The County Commission should have a more County-wide perspective that cannot be obtained by solely relying on single member district elections. To inject a more County-wide prospective, the Chairperson and Vice-Chairperson of the County Commission should be elected at a Countywide election every two years. All County Commissioners serving in the second half of their term shall become eligible for such election with the commissioner receiving the highest vote becoming Chairperson for the next two years and the commissioner receiving the second highest vote total becoming the Vice-Chairperson for the next two years. The Chairperson shall be responsible for presiding over commission meetings and shall establish all standing committees, special committees and ad hoc committees and shall appoint their membership.

Motion failed (3-5)

Election and Commencement of Terms for County Commissioners

Proposal

The Charter should be amended to provide that when commissioners are elected from their districts in the primary election, the names of all other commissioners would be placed on every ballot Countywide in a merit retention format: "Shall County Commissioner A be retained in office?" If a majority votes "YES" the commissioner serves the remaining two years of his or her term. If a majority votes "NO" the Charter will provide for an election in that commissioner's district, to be held at the general election, for a commissioner to serve the remaining two years. The commissioner listed on the merit retention ballot would still be eligible to qualify and run. This proposal: (1) encourages and rewards commissioners for dedication to Countywide issues; (2) gives all Miami-Dade voters an investment in the commission as a whole; and (3) preserves the central theme of district elections--only voters within a district elect their commissioner.

Failed for lack of motion

Creation of an Independent Department of Procurement

Proposal

The Charter should be amended to create an independent department of procurement management. The director of such department will be appointed by the Mayor subject to the approval of a majority of the Commission and may be disciplined or terminated by the Mayor of a majority of the Commission. In the event the Mayor disciplines or terminates the director of the department of procurement management, the Commission may overturn such decision by a 2/3 vote of those members in office at the next regularly scheduled meeting. The department shall be responsible for the solicitation of all contracts in excess of one million dollars or such other amount as set by the Commission. The Board may approve the director's recommendation to award contracts or reject all bids by majority vote, but, if the Board desires to take any other action, a two-thirds vote shall be required. The director of the department of procurement management shall also recommend all waivers of the competitive process to the Commission.

Failed for lack of motion

Municipal Powers

Proposal

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. The municipal

governing body makes the ultimate determination as to whether a particular municipal law or regulation provides for a higher standard under this section.

Failed for lack of motion

County Utilities

Proposal

The Charter should be amended to allow the County to operate, or contract with another entity to operate a light, power or telephone utility to provide service to County or any other governmental entity owned or operated facilities without a supermajority vote of the County Commission or approval of the electorate.

Motion failed (4-4)

Vehicles for Hire

Proposal

The Miami-Dade County Home Rule Charter currently empowers the Board of County Commissioners to license and regulate “taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.” The proposed amendment would have specifically referenced rideshare services.

Motion failed (3-5)

No Proposals Proffered

In reviewing the County Charter the Task Force, no motions were made to amend the Charter as relates to the following.

Whether the Charter should be amended as relates to an elected County Mayor or a manager selected by the County Commission to head and manage the County

In studying the current and past forms of government in Miami-Dade County, the Task Force was provided supplemental information, data and research on multiple forms of government that exist throughout various jurisdictions. Specifically, the Task Force was provided the following:

- Survey on County Form of Government by the International City/County Management Association (Appendix M)
- Model County Charter by the National Civic League (Appendix N)
- Outlines of Charter provisions relating to the powers and responsibilities of the County Mayor and Board of County Commissioners (Appendix O)
- Comparative analysis of the powers and responsibilities of the County Mayor, Board of County Commissioners and Commission Auditor (see Appendix J)
- Comparative analysis of the forms of government and structure of Miami-Dade County, Newark, New Jersey; Philadelphia, Pennsylvania; and Washington, D.C. (Appendix P)

Whether the Charter should be amended as it relates to the County's Urban Development Boundary

During the October 30, 2017, Charter Review Task Force meeting, Jerry Bell, Assistant Director for Planning in the Department of Regulatory and Economic Resources, gave a presentation to the Task Force members on the Urban Development Boundary (Appendix Q).

No motions were made to amend the provisions of the Charter that relate to the Urban Development Boundary.

Whether the Charter should be amended as relates to the budget process and the organization and function of the Department of Finance

The Task Force was provided supplemental information relating to the current budget process and the organization and function of the Department of Finance. Additionally, several presentations were made by County staff outlining the current framework for the County budget and procurement process. Specifically, the Task Force was provided the following information:

- Comparative analysis of budget and procurement responsibilities in Miami-Dade County, Newark, New Jersey; Philadelphia, Pennsylvania; and Washington, D.C. (See Appendix P).
- Procurement Reform Advisory Board (PRAB) Final Report (2006) (Appendix R)
- Presentation by Namita Uppal, Chief Procurement Officer, of the Internal Services Department on overview of the current procurement process (Appendix S)
- Presentation by Deputy Mayor Edward Marquez on the current structure and function of the Finance Department (Appendix T)
- Presentation by Jennifer Moon on the budget process (Appendix U)
- Presentation by Neil Singh, Interim Commission Auditor, on the Commission Auditor's participation in the budget process

The Task Force considered and debated the following issues relating to the budget process, the organization and function of the Department of Finance and the procurement process:

- Placing the Budget Office under the County Commission.
- Placing the Department of Finance under the County Commission.
- Expanding the Office of the Commission Auditor to include a Budget Office, noting the importance of the County Commission to create their own budget.
- Moving up the timeline for the Mayor to submit the draft budget.
- Providing for the County's Budget Director to be appointed by the County Commission.
- Establishment of a County Commission budget committee with dedicated staff.
- Propose that the Commission Auditor submit a draft budget to the County Commission by July 15th of each year.
- The Finance Department be organized under the direction and discretion of the County Commission, noting that the Commission should formulate the County budget.

Conclusion

Every five years, this Task Force is charged with reviewing the Miami-Dade County Home Rule Charter, and recommending changes, if necessary. As technology and the needs of residents evolve, this review process allows our residents the opportunity to determine how the Charter can be amended to better align our County with current times and issues. The Task Force successfully concluded its evaluation of the Charter, and respectfully submits these recommendations for the Board's consideration.

This work could not have been performed without the professional support of staff from the County Mayor's Office, County Attorney's Office and Clerk of the Board. In addition, we also thank staff from various County departments, including the Communications Department, the Board's Media team, Office of Strategic Business Management, Office of Management and Budget, Regulatory and Economic Resources Department and the Internal Services Department.

Finally, this process is only successful when the public participates and makes it their own. The Task Force appreciates public interest in this work and comments received via email, the website and social media, and at each meeting.

2018 General Election

	For	Against
<p>COUNTY REFERENDUM 1 Charter Amendment Relating to Nonpartisan Election of Clerk of the Circuit Court Shall the Charter be amended to require that the election of Clerk of the Circuit Court be conducted on a nonpartisan basis and that no ballot shall show the party designation of any candidate for Clerk of the Circuit Court?</p>	61.12% (437,128)	38.88% (278,017)
<p>COUNTY REFERENDUM 2 Charter Amendment Relating to County Appointed Officials and Employees Running for Certain Elective Office The Charter currently requires that County appointed officials or employees qualifying to run for federal, state or municipal elective office take a leave of absence and, if elected, immediately forfeit their County position. Shall the Charter be amended to limit this restriction to only apply to County officials and employees who qualify as a candidate for certain County elected offices?</p>	55.96% (394,131)	44.04% (310,174)
<p>COUNTY REFERENDUM 3 Charter Amendment Relating to Review of Initiatory Petitions for Legal Sufficiency Shall the Charter be amended to require that the Board of County Commissioners shall determine the legal sufficiency of an initiatory petition at the next Board meeting after the Clerk of Courts approves the petition form rather than after the required signatures have been gathered?</p>	61.31% (420,964)	38.69% (265,681)
<p>COUNTY REFERENDUM 4 Charter Amendment Regarding Elections for County Commissioners and Mayor Shall the Charter be amended to provide that when a candidate for County Commission or Mayor withdraws, becomes disqualified, or becomes deceased prior to an election no votes cast for such candidate shall be counted and that when a candidate for County Commission or Mayor is unopposed in an election after the close of qualification such candidate shall be deemed elected to office?</p>	69.52% (508,164)	30.48% (222,763)
<p>COUNTY REFERENDUM 5 Charter Amendment Prohibiting Certain Payments Circulators of Initiatory Petitions Shall the Charter be amended to prohibit any person circulating an initiatory petition from paying or offering to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition and invalidate any petitions collected in violation of this prohibition?</p>	66.54% (476,059)	33.46% (239,361)

2020 General Election

	For	Against
<p>COUNTY REFERENDUM 1 Home Rule Charter Amendment Establishing Independent Inspector General Shall the County Charter be amended to create an Independent Office of Inspector General who shall, at a minimum, be empowered to perform investigations, audits, reviews and oversight of County and County-funded contracts, programs, and projects for abuse, waste and mismanagement, and provide Inspector General services to other governmental entities, with such office’s appointment, term, powers, duties and responsibilities to be further established by Ordinance?</p>	73.72% (754,383)	26.28% (268,991)
<p>COUNTY REFERENDUM 2 Charter Amendment Regarding Elections to Fill Mayor or Commission Vacancies During Primary and General Elections Shall the Charter be amended to require that when the Mayor or member of the County Commission resigns prospectively to run for another office the vacancy will be filled by election during the Primary and General Election rather than by appointment or by subsequent Special Election?</p>	78.40% (808,689)	21.60% (222,805)
<p>COUNTY REFERENDUM 3 Nonpartisan Election of County Sheriff, Property Appraiser, Tax Collector and Supervisor of Elections Shall the Charter be amended to require, commencing with the qualifying for and holding of the General Election in 2024, that, contingent on a change to State law, the election of the Sheriff, Property Appraiser, Tax Collector, and Supervisor of Elections be conducted on a nonpartisan basis and that no ballot shall show the party designation of any candidate for those offices?</p>	48.83% (501,486)	51.17% (525,560)

2022 General Election

	For	Against
<p>COUNTY REFERENDUM 1 Charter Amendment Creating Local Oath of Office for County Commissioners and the County Mayor Shall the County Charter be amended to require that County Commissioners and the County Mayor, upon taking office, swear or affirm that they will support, protect and defend the Miami-Dade County Home Rule Charter and the government of Miami-Dade County?</p>	81.24% (515,631)	18.76% (119,089)
<p>COUNTY REFERENDUM 2 Charter Amendment Requiring Voter Approval for Changes to Governing Structure of County Transportation Assets Shall the Charter be amended to provide that acts of the Board of County Commissioners to transfer ownership or governing authority of the Miami International Airport, PortMiami or Miami-Dade Expressway Authority must be approved by a majority vote of the qualified electors in Miami-Dade County at the next available General Election?</p>	79.84% (507,180)	20.16% (128,041)

**Commission Chambers Availability
July – December 2025**

July

Weekday	Dates	Times	Conflict
Thursday	7/3	9:00-5:00	
Thursday	7/10	1:00-5:00	GETC / 9:00-12:00
Friday	7/11	9:00-5:00	
Monday	7/21	9:00-5:00	
Tuesday	7/22	9:00-5:00	
Wednesday	7/23	9:00-4:00	CITT / 5:00-7:00
Thursday	7/24	9:00-5:00	
Friday	7/25	1:30-5:00	HT / 10:30-12:30

August (Closed for Renovations)

September

Weekday	Dates	Times	Conflict
Tuesday	9/2	9:00-5:00	
Friday	9/5	9:00-5:00	
Thursday	9/11	1:00-5:00	GETC / 9:00-12:00
Friday	9/12	9:00-5:00	
Tuesday	9/16	9:00-5:00	
Wednesday	9/17	9:00-4:00	CITT / 5:00-7:00
Friday	9/19	9:00-5:00	
Monday	9/22	9:00-5:00	
Tuesday	9/23	9:00-5:00	
Wednesday	9/24	9:00-11:30	PHT / 12:30-2:30
Friday	9/26	1:30-5:00	HT / 10:30-12:30
Monday	9/29	9:00-5:00	
Tuesday	9/30	9:00-5:00	

October

Weekday	Dates	Times	Conflict
Wednesday	10/1	9:00-5:00	
Thursday	10/2	9:00-5:00	
Friday	10/10	9:00-5:00	
Monday	10/20	12:30-5:00	BHB / 9:30-11:30
Friday	10/24	1:30- 5:00	HT / 10:30-12:30
Monday	10/27	9:00-5:00	
Tuesday	10/28	9:00-5:00	
Wednesday	10/29	9:00-11:30	PHT / 12:30- 2:30
Thursday	10/30	9:00-1:00	TAO / 2:00-4:00
Friday	10/31	9:00-5:00	

November

Weekday	Dates	Times	Conflict
Monday	11/3	9:00-1:00	

Commission Chambers Availability
Page 2 of 2

Thursday	11/6	2:00-5:00	Awards / 9:00-1:00
Friday	11/7	9:00-5:00	
Friday	11/14	9:00-5:00	
Monday	11/17	9:00-5:00	
Monday	11/24	9:00-5:00	
Tuesday	11/25	9:00-5:00	
Wednesday	11/26	9:00-5:00	

December

Weekday	Dates	Times	Conflict
Monday	12/1	9:00-1:00	PPB / 2:00-5:00
Friday	12/5	2:00-5:00	
Friday	12/12	9:00-5:00	
Monday	12/15	9:00-5:00	
Friday	12/19	1:30-5:00	HT / 10:30-12:30
Monday	12/22	9:00-5:00	
Tuesday	12/23	9:00-5:00	
Wednesday	12/24	9:00-5:00	

2025 CALENDAR OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS

JANUARY						
SUN	MON	TUE	WED	THUR	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- 13 PC 9:00 AM/CANCELLED - IITC 11:00 RESCH. TO 1:00 PM
- 13 RTC 2:00 PM
- 14 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 15 AC 9:00 AM - APC 11:00 AM - PRC 2:00 PM
- 22 REGULAR 9:30 AM
- 23 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 23 CDMP/ZONING 9:30 AM/ RESCH. TO 01/30/2024
- 28 COMMITTEE OF THE WHOLE 9:30 AM
- 30 CDMP/ZONING 9:30 AM
- 30 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
- 30 TPO 2:00PM

FEBRUARY						
SUN	MON	TUE	WED	THUR	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

- 4 REGULAR 9:30 AM
- 5 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 10 PC 9:00 AM - IITC 11:00 AM/RESCH. TO 10:00 AM
- 10 RTC 2:00 PM
- 11 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 12 AC 9:00 AM - APC 11:00 AM - PRC 2:00 PM
- 13 GETC 2:00 PM
- 19 REGULAR 9:30 AM
- 20 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 20 CDMP/ZONING 9:30 AM
- 27 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
- 27 TPO 2:00PM

MARCH						
SUN	MON	TUE	WED	THUR	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- 4 REGULAR 9:30 AM
- 4 SPECIAL PHT (AUDIT) 9:30 AM/RESCH. TO 3/18/2025
- 5 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 10 PC 9:00 AM - IITC 11:00 AM - RTC 2:00 PM
- 11 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 12 AC 9:00 AM - APC 11:00 AM - PRC 2:00 PM/CANCELLED
- 13 GETC 1:00 PM
- 18 REGULAR 9:30 AM
- 18 JOINT BCC & PHT 9:30 AM
- 18 SPECIAL PHT (AUDIT) 9:30 AM
- 19 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 20 CDMP/ZONING 9:30 AM

APRIL						
SUN	MON	TUE	WED	THUR	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
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20	21	22	23	24	25	26
27	28	29	30			

- 1 REGULAR 9:30 AM
- 1 JOINT BCC & YOUTH COMMISSION 9:30 AM
- 1 JOINT BCC & CITY OF HIALEAH SPECIAL MTG 11:00 AM
- 2 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 7 PC 9:00 AM/CANC. - IITC 11:00 AM/CANC. - RTC 2:00 PM/CANC.
- 8 TC 9:00 AM/CANC. - SHC 11:00 AM/CANC. - HC 2:00 PM/CANC.
- 9 AC 9:00 AM/CANC. - APC 11:00 AM/CANC. - PRC 2:00 PM/CANC.
- 10 GETC 9:00 AM/CANCELLED
- 22 REGULAR 9:30 AM/CANCELLED
- 23 REGULAR CARRY-OVER 9:30 AM/CANCELLED
- 24 CDMP/ZONING 9:30 AM/ RESCH. TO 04/29/2024
- 24 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
- 24 TPO 2:00PM
- 29 CDMP/ZONING 9:30 AM

MAY						
SUN	MON	TUE	WED	THUR	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 6 REGULAR 9:30 AM
- 7 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 12 PC 9:00 AM/CANCELLED - IITC 11:00 AM - RTC 2:00 PM
- 13 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 14 AC 9:00 AM - APC 11:00 AM - PRC 2:00 PM
- 15 GETC 9:00 AM
- 20 REGULAR 9:30 AM
- 21 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 22 CDMP/ZONING 9:30 AM/CANCELLED
- 29 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
- 29 TPO 2:00PM

JUNE						
SUN	MON	TUE	WED	THUR	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- 3 REGULAR 9:30 AM
- 4 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 9 PC 9:00 AM - IITC 11:00 AM/CANCELLED
- 9 RTC 1:00 PM
- 10 TC 9:00 AM/CANCELLED - SHC 11:00 AM - HC 2:00 PM
- 11 AC 9:00 AM/CANCELLED - APC 11:00 AM
- 11 PRC 1:00 PM
- 12 GETC 9:00 AM/CANCELLED
- 17 REGULAR 9:30 AM/RESCH. TO 6/26/2025
- 17 JOINT BCC & PHT 9:30 AM/RESCH. TO 3/18/2025
- 18 REGULAR CARRY-OVER 9:30 AM/CANCELLED
- 18 CDMP/ZONING 9:30 AM/RESCH. TO 6/26/2025
- 26 REGULAR 9:30 AM
- 26 CDMP/ZONING 9:30 AM
- 26 TMC 10:30 AM - FPC 11:30 AM(TENTATIVE)
- 26 TPO 2:00 PM /CANCELLED
- 27 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)

JULY						
SUN	MON	TUE	WED	THUR	FRI	SAT
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20	21	22	23	24	25	26
27	28	29	30	31		

- 1 REGULAR 9:30 AM
- 2 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 7 PC 9:00 AM - IITC 11:00 AM - RTC 1:00 PM
- 8 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 9 AC 9:00 AM - APC 11:00 AM - PRC 1:00 PM
- 16 REGULAR 9:30 AM
- 17 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 17 CDMP/ZONING 9:30 AM
- 17 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
- 17 TPO 2:00PM

AUGUST						
SUN	MON	TUE	WED	THUR	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- 1 REGULAR 9:30 AM

- REGULAR
- CMTE./SUBCMTE. (SEE REVERSE SIDE)
- ZONING & CDMP
- TPO & TPO CMTE. (SEE REVERSE SIDE)
- RECESS / SPRING AND SUMMER BREAK
- SUNSHINE MTGS (SEE REVERSE SIDE)
- HOLIDAYS OBSERVED (SEE REVERSE SIDE)

SEPTEMBER						
SUN	MON	TUE	WED	THUR	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- 3 REGULAR 9:30 AM
- 4 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 4 1ST BUDGET HEARING 5:01 PM
- 8 PC 9:00 AM - IITC 11:00 AM - RTC 1:00 PM
- 9 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 10 AC 9:00 AM - APC 11:00 AM - PRC 1:00 PM
- 16 REGULAR 9:30 AM/CANCELLED
- 17 REGULAR CARRY-OVER 9:30 AM/CANCELLED
- 18 2ND BUDGET HEARING 5:01 PM
- 25 CDMP/ZONING 9:30 AM
- 25 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
- 25 TPO 2:00PM

OCTOBER						
SUN	MON	TUE	WED	THUR	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- 7 REGULAR 9:30 AM
- 8 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 14 PC 9:00 AM - IITC 11:00 AM - RTC 1:00 PM
- 15 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 16 AC 9:00 AM - APC 11:00 AM - PRC 1:00 PM
- 21 REGULAR 9:30 AM
- 22 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 23 CDMP/ZONING 9:30 AM
- 30 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
- 30 TPO 2:00PM

NOVEMBER						
SUN	MON	TUE	WED	THUR	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

- 4 REGULAR 9:30 AM
- 5 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 10 PC 9:00 AM - IITC 11:00 AM - RTC 1:00 PM
- 12 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 13 AC 9:00 AM - APC 11:00 AM - PRC 1:00 PM
- 18 REGULAR 9:30 AM
- 19 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 20 CDMP/ZONING 9:30 AM

DECEMBER						
SUN	MON	TUE	WED	THUR	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- 2 REGULAR 9:30 AM
- 3 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 4 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
- 4 TPO 2:00PM
- 8 PC 9:00 AM - IITC 11:00 AM - RTC 1:00 PM
- 9 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 10 AC 9:00 AM - APC 11:00 AM - PRC 1:00 PM
- 16 REGULAR 9:30 AM
- 17 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 18 CDMP/ZONING 9:30 AM

2025 CALENDAR OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS

COMMISSION COMMITTEES

AIRPORT COMMITTEE (AC)
 APPROPRIATIONS COMMITTEE (APC)
 HOUSING COMMITTEE (HC)
 INFRASTRUCTURE, INNOVATION, AND TECHNOLOGY COMMITTEE (IITC)
 PORT AND RESILIENCY COMMITTEE (RTC)
 RECREATION AND TOURISM COMMITTEE (RTC)
 SAFETY AND HEALTH COMMITTEE (SHC)
 TRANSPORTATION COMMITTEE (TC)
 POLICY COUNCIL (PC)
 GOVERNMENT EFFICIENCY AND TRANSPARENCY AD HOC COMMITTEE (GETC)

MIAMI-DADE TRANSPORTATION ORGANIZATION

TRANSPORTATION PLANNING ORGANIZATION GOVERNING BOARD (TPO)
 TRANSPORTATION AND MOBILITY CMTE. (TMC)
 FISCAL PRIORITIES CMTE. (FPC)

2025 HOLIDAYS

Jan.	New Year's Day
Jan. 20	Martin Luther King Jr's Day
Feb. 17	President's Day
Apr. 12 - Apr. 20	Passover @ Sundown
Apr. 18	Good Friday
May 9	Law Enforcement Appr. Day*
May 26	Memorial Day
Jun. 19	Juneteenth
Jul. 4	Independence Day
Sep. 1	Labor Day
Sep. 22 - Sep. 24	Rosh Hashannah @ Sundown
Oct. 2	Yom Kippur @Sundown
Oct. 13	Columbus Day
Nov. 11	Veterans Day
Nov. 27	Thanksgiving Day
Nov. 28	Day after Thanksgiving
Dec. 14 - Dec. 22	Hanukkah @ Sundown
Dec. 25	Christmas Day
Dec. 26 - Jan. 1	Kwanzaa

LEGISLATIVE SESSION & RELATED DATES/BREAK RECESS

Mar. 1 - Mar. 4	NaCo Leg. Conference in D.C.
Mar. 4	FL. Legislature Session Begins
Mar. 19	FAC Leg. Day in Tallahassee
Mar. 24 - Mar. 28	Spring Break
May 2	FL. Legislature Session Ends
Jun. 24 - Jun. 27	FAC Annual Conf. & Edu. Expo.
Jul. 11 - Jul. 14	NaCo Annual Conf. & Expo.
Nov. 19- Nov. 21	FAC Policy Conference
Dec. 2- Dec 4	FAC Legislative Conference
TBA	Dade Days in Tallahassee

STATE AND MUNICIPAL ELECTION DATES

Feb. 18 - Gen. Munic. Elect.	Oct. 7 - Munic. Primary Elect.
Mar. 4 - Munic. Run-Off	Nov. 4 - Munic. Primary Elect.
- Gen. Munic. Elect.	- Gen. Munic. Elect.
Mar. 18 - Munic. Run-Off	Nov. 18 - Gen. Munic. Elect.
Apr. 1 - Gen. Munic. Elect.	- Munic. Run-Off
Apr. 8 - Gen. Munic. Elect.	
Apr. 29 - Munic. Run-Off	
May 1 - Munic. Run-Off	
May 13 - Gen. Munic. Elect.	

SUNSHINE MEETINGS

MAY 2ND	AIDES' AGENDA BRIEFINGS	9:30 AM
MAY 14TH	COMMUNITY TOWN HALL HOSTED BY MAYOR CAVA	5:30 PM
MAY 15TH	THE UNDERLINE CONSERVANCY BOARD	10:00 AM
MAY 16TH	AIDES' AGENDA BRIEFINGS	9:30 AM
MAY 16TH	BUDGET CONVERSATIONS WITH CAVA	6:00 PM
MAY 17TH	BUDGET CONVERSATIONS WITH CAVA	12:30 PM
MAY 19TH	BUDGET CONVERSATIONS WITH CAVA	6:00 PM
MAY 21ST	2025 WASHINGTON, D.C. FLY-IN	8:00 AM
MAY 22ND	2025 WASHINGTON, D.C. FLY-IN	10:30 AM
MAY 28TH	COMMISSION ON HUMAN RIGHTS GENERAL BUSINESS MEETING	12:00 PM
MAY 30TH	AIDES' AGENDA BRIEFINGS	9:30 AM
JUN 6TH	BISCAYNE BAY WATERSHED MANAGEMENT ADVISORY BOARD	9:00 AM
JUN 9TH	MONDAYS WITH MICKY	6:30 PM
JUN 11TH-18TH	OUTBOUND MISSION TO FRANCE	10:30 AM
JUN 12TH	REGALADO & MILIAN ORBIS TO DISCUSS THE LUDLAM TRAIL AND RELATED TOPICS	11:00 AM
JUN 13TH	AIDES' AGENDA BRIEFINGS	9:30 AM
JUN 18TH	THE UNDERLINE CONSERVANCY BOARD	10:00 AM
JUN 23RD	MIAMI-DADE COUNTY CHARTER REVIEW TASK FORCE	10:00 AM
JUN 24TH-27TH	FLORIDA ASSOCIATION OF COUNTIES (FAC) 2025 ANNUAL CONFERENCE	11:00 AM
JUN 25TH	BEHAVIORAL HEALTH ADVISORY BOARD / RESCHEDULED TO 7/29/2025	9:30 AM
JUN 27TH	AIDES' AGENDA BRIEFINGS	9:30 AM
JUL 11TH	AIDES' AGENDA BRIEFINGS	9:30 AM
JUL 29TH	BEHAVIORAL HEALTH ADVISORY BOARD	9:30 AM
AUG 29TH	AIDES' AGENDA BRIEFINGS	9:30 AM
OCT 3RD	AIDES' AGENDA BRIEFINGS	9:30 AM
OCT 17TH	AIDES' AGENDA BRIEFINGS	9:30 AM
OCT 31ST	AIDES' AGENDA BRIEFINGS	9:30 AM
NOV 14TH	AIDES' AGENDA BRIEFINGS	9:30 AM
NOV 25TH	AIDES' AGENDA BRIEFINGS	9:30 AM
DEC 12TH	AIDES' AGENDA BRIEFINGS	9:30 AM



Florida House of Representatives

Representative Mike Redondo

District 118

District Office:
13701 SW 88th Street
Suite 307
Miami, Florida 33186

Tallahassee Office:
1301 Capitol Building
402 South Monroe Street
Tallahassee, FL 32399-1300
(850) 717-5118

mike.redondo@myfloridahouse.gov

July 10th, 2025

Charter Review Task Force Member
Miami-Dade County
111 NW 1st Street
Miami, FL 33128

Dear Charter Review Task Force Members,

It is an honor to serve as Chairman Anthony Rodriguez's appointee to the Miami-Dade County Charter Review Task Force. As a lifelong Miami-Dade County resident, I take this responsibility seriously, recognizing the vital role the Charter plays in shaping the future of our community. I look forward to working collaboratively with the Task Force to thoughtfully review and strengthen the Charter in a way that best serves our residents.

Unfortunately, due to weather-related travel delays, my return flight to Miami has been postponed multiple times, and I will be unable to attend today's meeting. However, I will be watching the meeting remotely to stay informed and prepared for full participation in future discussions.

I understand that today's agenda includes the selection of the Chair. I would like to express my interest in being considered for this position. I am committed to ensuring the Task Force operates with transparency, efficiency, and inclusivity as we carry out this important work.

Thank you once again for this opportunity to contribute to such a meaningful and impactful process.

Sincerely,

/s Mike Redondo
State Representative, District 118

Pickett, Bryce S. (COC)

Subject: FW: Excused Absence

From: Henderson, Demetria (Office of the Mayor) <Demetria.Henderson@miamidade.gov>
Sent: Thursday, July 10, 2025 9:25 AM
To: Khunjar Breakenridge, Kerry (COC) <Kerry.KhunjarBreakenridge@miamidadeclerk.gov>
Cc: Rouland, Tivia (Office of the Mayor) <Tivia.Rouland@miamidade.gov>
Subject: Re: Excused Absence

Yes, correct! Thanks again, Kerry!!

Demetria Henderson

Director of Legislative Affairs
Office of Mayor Daniella Levine Cava
Cell [786-769-3985](tel:786-769-3985)
[111 NW 1st Street, 29th Floor, Miami, FL 33128](https://www.miamidadeclerk.com)

From: Khunjar Breakenridge, Kerry (COC) <Kerry.KhunjarBreakenridge@miamidadeclerk.gov>
Sent: Thursday, July 10, 2025 9:23:35 AM
To: Henderson, Demetria (Office of the Mayor) <Demetria.Henderson@miamidade.gov>
Cc: Rouland, Tivia (Office of the Mayor) <Tivia.Rouland@miamidade.gov>
Subject: RE: Excused Absence

Good morning Demetria,

Excused absence noted.

Also, based on our earlier conversation, Mr. Pierre is also excused correct?



Kerry Khunjar Breakenridge

Assistant Director, Clerk of the Board
Clerk of the Court and Comptroller
of Miami-Dade County

Stephen P. Clark Government Center
111 NW 1st Street, Suite 17-202
Miami, FL 33128
Phone: 305-375-5108
Cell Number: 305-495-9778
Email: Kerryk@miamidadeclerk.gov
Web: www.miami-dadeclerk.com



From: Henderson, Demetria (Office of the Mayor) <Demetria.Henderson@miamidade.gov>
Sent: Thursday, July 10, 2025 7:31 AM
To: Khunjar Breakenridge, Kerry (COC) <Kerry.KhunjarBreakenridge@miamidadeclerk.gov>; Momplaisir, Shania (COC) <Shania.Momplaisir@miamidadeclerk.gov>; Pruna, Basia (COC) <Basia.Pruna@miamidadeclerk.gov>
Cc: Damian de la Paz, Jorge (Office of the Mayor) <Jorge.DamiandelaPaz@miamidade.gov>; Rouland, Tivia (Office of the

Mayor) <Tivia.Rouland@miamidade.gov>; Guerra-Macias, Lorena (Office of the Chair) <Lorena.Guerra-Macias@miamidade.gov>

Subject: Excused Absence

Good morning, Kerry!

Please be advised that our office has received an excused absence notice from Mike Redondo for today's task force meeting.

Very best regards,

Demetria Henderson

Director of Legislative Affairs

Office of Mayor Daniella Levine Cava

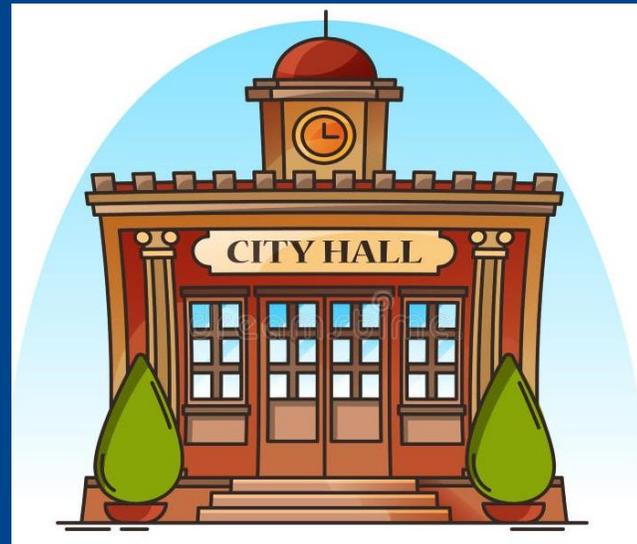
Cell [786-769-3985](tel:786-769-3985)

[111 NW 1st Street, 29th Floor, Miami, FL 33128](#)



Miami-Dade County Commission on Ethics and Public Trust

Miami-Dade Charter Review Task Force



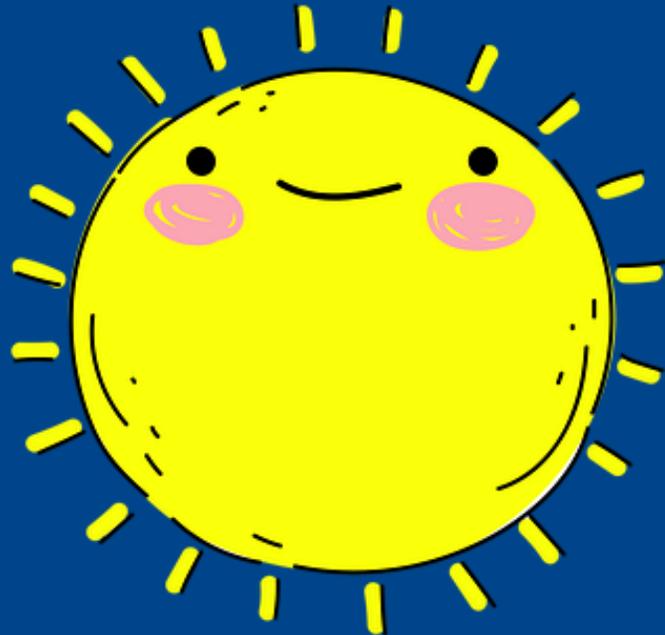
Miami-Dade County
July 10, 2025

INTRODUCTION

Background on the Ethics Commission

- The Miami-Dade County Commission on Ethics and Public Trust is a quasi-judicial independent Charter agency of Miami-Dade County, established by vote of the electorate in 1996.
- It is charged by County Ordinance with interpreting and enforcing the County Conflict of Interest and Code of Ethics Ordinances, various municipal Ethics Codes, Lobbyist Registration and Reporting Ordinances, Ethical Campaign Practices Ordinances and the Citizens' Bill of Rights.
- The Ethics Commission has three main functions:
 - Training elected officials, board members, employees and persons that transact with local government.
 - Individualized ethics guidance regarding prospective conduct.
 - Reviews past conduct for potential ethics violations in enforcement actions.

Government in the Sunshine F.S. Section 286.11



Basic Rules

- Meetings of boards of state or municipal government or political subdivisions must be open to the public.
- No formal action of public boards shall be binding unless taken at a meeting open to the public.
- Reasonable notice must be provided to the public of all such meetings.
- Minutes of such meetings must be recorded promptly and shall be open to public inspection.
- No two members of the board may privately discuss board business.

Public Access to Meetings

- Board meetings should be held in buildings that are open to the public and not at inaccessible locations such as private homes.
- The building cannot be locked or have restrictions that unduly impede public access, e.g., cannot be in a place requiring name or I.D. for access (AGO 2005-13)
- Be Careful with meetings outside of Miami Dade County



Per Se Meetings

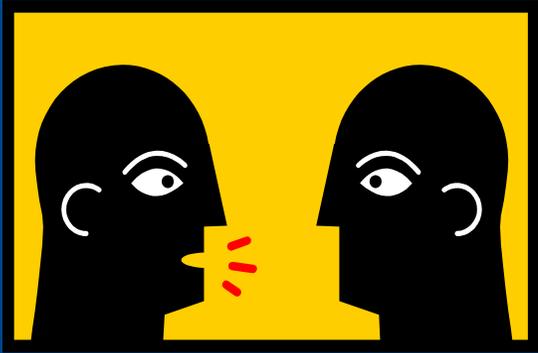
“In order for there to be a violation of F.S. 286.011, a meeting between TWO OR MORE public officials must take place which violates the spirit, intent, and purpose. The obvious intent of the [Sunshine Law] was to cover any gathering of some of the members of a public board where members discuss some matters on which **FORESEEABLE ACTION** may be taken by the board.”
(Emphasis added) *Hough v. Stemberge*, 278 So.2d 288 (Fla. 3rd DCA 1973)

Community Meetings

- Two or more board members may be present and address the public if they are not purposely communicating with each other.
- Best Practice: Either advertise the gathering as a public listening session or leave the room while the other board member is speaking.



One-Way and Liaison Communications



- The Sunshine Law prohibits one-way oral communications between board members, i.e., where one party speaks and the second party does not respond.
- A one-way electronic or written communication by a board member is permissible if it is kept as a public record and there is no response to it from another board member except at a public meeting.
- It is not permissible to intentionally communicate to another board member through a third party

Electronic Meetings

- A quorum physically present in one location is generally required.
- Online meetings-not permissible unless the public is provided with the means to access the meeting.



Opportunity to be Heard, F.S. Sec. 286.0114

- Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission.
- The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action.
- This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting.
- The Sunshine Law does not allow boards to ban non-disruptive videotaping, tape recording, or photography at public meetings.



How to Cure a Violation

- The civil consequences of a violation, i.e., voiding the decision or nullifying the process *ab initio*, may be avoided if the board does not perfunctorily ratify or ceremoniously accept a tainted decision, but takes independent final action in the sunshine following a public discussion of any matters taken up privately. *Tolar v. School Board of Liberty County*, 398 So. 2d 427 (Fla. 1981)



Sanctions



- There are criminal sanctions including a term of imprisonment of up to 60 days in County Jail and up to fine of \$500 for knowingly violating the Sunshine Law.

STATE OF FLORIDA
PUBLIC RECORDS LAW
CHAPTER 119, FLORIDA STATUTES

PUBLIC RECORDS: DEFINED

- All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or characteristics, made in connection with the transaction of official business.

- -Section 119.011(12), Florida Statutes



Private Device Communications



- Whether the communication originates or is received by a private device (cell phone, computer, tablet) is irrelevant to the communication's status as a public record.
- Communications include e-mails and text exchanges on private telephones.
- Archive, but do not destroy

PUBLIC RECORDS LAW: Custodian

Every person who has custody of a public record shall permit the record to be inspected and copied by anyone, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records, or his or her designee.



-Section 119.07(1)(a)-(b), Florida Statutes

What about drafts?

There is no “unfinished business” exception to the public inspection and copying requirements of Florida’s Public Records laws.

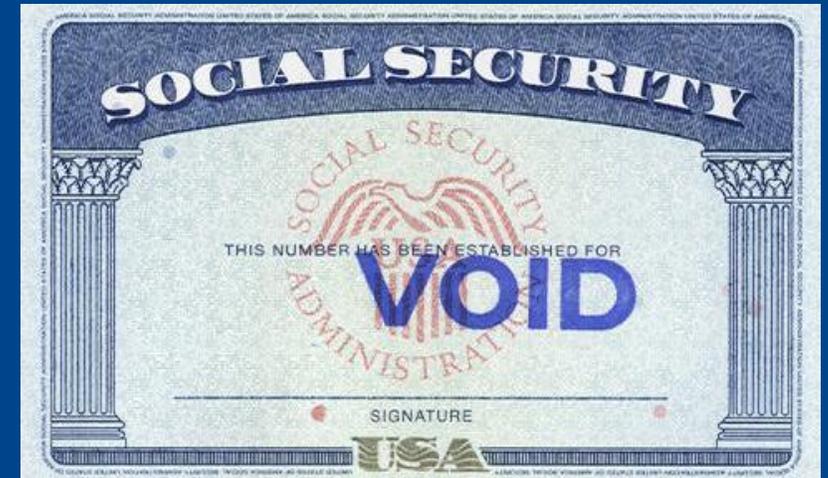
Inter-office memoranda and intra-office memoranda communicating information from one public employee to another or merely prepared for filing, even though not a part of an agency’s later, formal public product, would nonetheless constitute public records inasmuch as they supply the final evidence of knowledge obtained in connection with the transaction of official business.”

Shevin v. Byron Harless, Schaffer, Reid and Associates, Inc., 379 So. 2d633 640 (Fla. 1980)



PUBLIC RECORDS LAW: Categories of Exemptions

- Active criminal investigations
- Medical records
- Student records
- Social Security numbers
- Bank/Credit/Debit account numbers
- Personal information of specified categories of public officials and employees



PUBLIC RECORDS LAW: Violations & Consequences



Criminal Penalties:

A public officer who “knowingly” violates the Public Records Law is subject to:

- suspension and removal or impeachment;
- conviction of a misdemeanor of the first degree, punishable by up to one year in jail, or \$1,000 fine, or both.

Civil Actions:

- An immediate hearing.
- Petitioner’s Attorney’s fees if the records request is not intended to harass or cause a violation.

Ethics Violations:

- A County officer/employee found by the Miami-Dade Commission on Ethics to have intentionally violated the Citizens’ Bill of Rights’ public records provisions can be fined up to \$2,000 and assessed costs of investigations.

GIFTS

Miami-Dade County Ethics Code, Section 2-11.1(e)



GIFTS: DEFINITION AND EXCEPTIONS

What is a “gift” under the County Ethics Code?

The transfer of anything of economic value without adequate and lawful consideration.

What forms may a gift take?

Money, service, loan, travel, entertainment and hospitality.

What are the major exceptions?

- 1) Political contributions
- 2) Gifts from relatives or household members
- 3) Professional or civic awards
- 4) Materials of an informative or advertising nature

A public official or employee should
NEVER solicit or demand a gift.

Gifts with a nexus between the gifting
transaction and the person's public charge
should always require pause.



Prohibited Gifts

MIAMI-DADE ETHICS CODE SEC. 2-11.1(E)(3)

- No official or employee may accept any gift for or because of:
 - An official public action taken or to be taken, or which could be taken;
 - A legal duty performed or to be performed, or which could be performed; or
 - A legal duty violated or to be violated, or which could be violated by any official.
- It is also a violation to offer the gift in exchange for the above.

Nefarious Motivation is Irrelevant



- “Tipping” a public official to get expedited service or simply to get “your file to the top of the basket” constitutes a prohibited gift and may constitute a criminal *quid pro quo* transaction.
- **Ethics Opinion:** Major developer in municipality wanted to host a dinner party for elected officials and administrators, following completion of a major project that received municipal approval. The party was viewed as gift in return for official action to be taken.

PROHIBITED TRAVEL EXPENSES FROM COUNTY VENDORS

No County official or employee shall accept, directly or indirectly, any travel expenses, including transportation, lodging, meals, registration fees and incidentals from any County contractor, vendor, service provider, bidder or proposer.

Example: Complimentary Cruises, Train or Air



Gift Solicitation Exceptions

Miami-Dade Ethics Code Sec. 2-11.1(e) (2)

- Gifts solicited by county or municipal employees or officials on behalf of the local government in performance of their official duties for use solely by the governmental entity in conducting its official business. *With the approval of a department director, mayoral staff or elected official.* 2-11.1(e)(2)(f)
- Gifts solicited by elected officials or their staff members on behalf of any nonprofit organization where neither the official nor his or her staff receives any compensation as a result of the solicitation. 2-11.1(e)(2)(g).

GIFT DISCLOSURE

MIAMI -DADE ETHICS CODE SEC. 2-11.1(E)(4)

- County officials and employees are required to disclose any gift or series of gifts from any one person or entity having a value more than one hundred dollars (\$100).
- Gift Disclosures must be made by filing a copy of Miami Dade County Gift Disclosure required by with the Clerk of the Board of County Commissioners.
- Due Quarterly (3/31, 6/30, 9/30, 12/31)

**MIAMI-DADE COUNTY
QUARTERLY GIFT DISCLOSURE**

LAST NAME-FIRST NAME-MIDDLE NAME:	NAME OF AGENCY:
STREET ADDRESS:	OFFICE OR POSITION HELD:
CITY: ZIP: COUNTY:	FOR QUARTER ENDING (Check One): <input type="checkbox"/> MARCH <input type="checkbox"/> JUNE <input type="checkbox"/> SEPT. <input type="checkbox"/> DEC. YEAR: 20

PART A: STATEMENT OF GIFTS. List below each gift, or series of gifts, from one person or entity in excess of \$100, accepted by you during the calendar quarter for which this statement is being filed. Describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the dates the gifts were received. If any of these facts are unknown or not applicable, state this on the form. **You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.**

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT

CHECK HERE IF CONTINUED ON SEPARATE SHEET.

PART B: RECEIPT PROVIDED BY PERSON MAKING THE GIFT. If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt. **CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM.**

PART C: FILING INSTRUCTIONS. The signed and notarized form must be filed no later than the last day of the calendar quarter that follows the quarter for which this form applies. For example, if a gift is received in March, it should be disclosed by the end of the next quarter, i.e., June 30. County personnel file with the Clerk of the Board of County Commissioners, 111 NW 1st St., Suite 17-10, Miami, FL 33128. Municipal personnel file with their respective municipal clerks.

PART D: OATH.

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true, accurate, and total listing of all gifts required to be reported by Section 2-11.1 (e)(4) of the Code of Miami-Dade County.

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____,

by _____
(Name of Person Making Gift Disclosure)

(Signature of Notary Public, State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Signature of Person Making Gift Disclosure

Personally known to me *or* Produced Identification
Type of Identification Produced: _____

Bribery & Unlawful Compensation

(Secs. 838.015 & 838.016, F. S.)

- **Giving a benefit** to any public servant with an **intent to influence** the performance of any act or omission in the performance of a public duty.
- A **public servant requesting or accepting** a benefit given with **intent to influence** the performance of any act or omission in the performance of a public duty.
- Key distinction between Bribe and Gift: *Quid pro quo*
- **Bribery** – bribe or promise/solicitation of bribe precedes government action
- **Unlawful Compensation** – timing of “bribe” irrelevant
- “**Tipping**” or gifting to get better service can constitute unlawful compensation.

EXPLOITATION OF OFFICIAL POSITION

Miami-Dade County Ethics Code, Section 2-11.1(g)

EXPLOITATION OF OFFICIAL POSITION



County officials and employees may not use or attempt to use their official positions to secure special privileges or exemptions for themselves or others to which they are not entitled.

Exploitation

Examples of Misuse of Official Position

- Accepting a benefit, service at a significantly reduced rate as a result of your public position.
- Use of publicly-owned facilities, materials, or equipment to operate private business.
- Using public facilities, materials, or public employees working on government time in a political campaign.
- Using your position to secure a contract or job for a friend or relative or a contract for a friend or relative.
- Using a public employee working on government time to perform home repairs or personal services.
- Soliciting non-consensual sexual favors from a subordinate public employee.

VOTING CONFLICTS

Miami-Dade County Ethics Code, Section 2-11.1(d)

Voting Conflicts

Miami-Dade Ethics Code, Section 2-11.1(d)

No local government elected official shall vote on or participate in any way in any matter if said person has any of the following relationships with a person or entity that might be directly or indirectly affected by the action of the board:

- (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary (*automatic conflict*); or
- (ii) stockholder, bondholder, debtor, or creditor if in any instance the transaction or matter would affect you in a manner distinct from the way it would affect the public generally (*contingent conflict*); or
- (iii) If the elected official might, directly or indirectly, profit or be enhanced by the action of the board. (*broad or catch-all conflict*)

Application to Charter Review Boards

A City of Miami Charter Review and Reform Committee board member may serve on the board at the same time that his employer has a lawsuit against the city as long as he will not be directly affected by any of the board's actions; he will not vote on matters directly affecting his employer; he will not appear before the city on behalf of his employer; and he does not use his official position to gain special privileges or exemptions for his employer.

INQ# 15-61

Local Standard is More Stringent Than the State's

Given the enhanced conflict voting prohibition enumerated in the Ethics Code, circumstances that do not meet the State standard for a voting conflict could still create a voting conflict under the County ordinance in circumstances such as this one where an official might, directly or indirectly, profit or be enhanced by a vote. The County standard **does not require a definite or measurable private gain or loss** and may apply where there is a reasonable possibility or expectation of such an effect. (*See* RQO 15-04)

Best Practices For Officials:

1. Announce conflict publicly in advance of discussion.
2. Absent from the room during discussion.
3. File disclosure (State Form 8B) with Clerk of the Board within 15 days of the vote.



LOBBYING

Miami-Dade County Ethics Code, Section 2-11.1(s)

WHO IS A LOBBYIST?

Any person, firm or corporation employed, designated or retained by a principal (whether paid or not), or that contracts with a third party to perform lobbying activities on behalf of a principal seeking the passage, defeat or modification of:

- Any action/decision/recommendation of the Mayor/ County Commission, any County board or committee, or any County personnel;
- Any action/decision/recommendation that will foreseeably be heard or reviewed by County personnel.
- Principals who lobby on their own behalf must also register.

WHO IS NOT A LOBBYIST?

- A public officer, employee or appointee appearing in his or her official capacity as a government representative;
- Attorneys or other representatives solely appearing at quasi-judicial proceedings;
- Expert witnesses at public meetings who provide only scientific, technical, or specialized information;
- Unpaid neighborhood association representatives;
- Unpaid representatives of a non-profit community-based organization without special compensation and only when requesting a grant;
- Any person who appears representing himself or herself;

WHO CAN BE LOBBIED?

- County Mayor and County Commissioners
- County department directors and assistant or deputy directors
- Building and zoning inspectors
- Members of County advisory boards
- Any County employee with the authority to participate in procurement matters, when the communication is about the procurement matter

RESPONSIBILITIES OF COUNTY OFFICIALS AND PERSONNEL: DILIGENCE!

- County Commissioners and County officials and personnel shall be diligent in ascertaining whether a lobbyist is registered with the Clerk of the Board before permitting that individual to lobby him/her about a County issue: Maintain Written Log
- Commissioners and County officials and personnel may not knowingly permit themselves to be lobbied by a person who is not registered.
- **Best Practice:** Make appropriate inquiries before allowing yourself to be lobbied and keep a record of the meeting.



CITIZENS' BILL OF RIGHTS



Guarantees All Citizens:

- Prompt and convenient service from local government
- Truthful information from public servants
- Right to inspect and copy public records
- Proper notice of and opportunity to *participate in public meetings*
- Transparency in budgeting and auditing

Truth In Government:

- *Krantzler v. Bd. of Cnty. Comm'rs of Dade Cnty.*, 354 So. 2d 126, 128 (Fla. 3d DCA 1978) (“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.”)

Citizens' Bill of Rights

Miami-Dade Home Rule Charter, May 1957

- Commission on Ethics empowered to review, interpret and render advisory opinions regarding Citizens' Bill of Rights (Section 2-1072, Miami-Dade County Code since 1997)
- Commission on Ethics given authority to enforce Citizens' Bill of Rights and impose penalties set out in Section 2-11.1(cc)(1) of Miami-Dade County Code of Ethics Ordinance (2012 Referendum).



Bill of Rights

CONTACTS FOR QUESTIONS & GUIDANCE



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ON BEHALF OF THE COMMISSION ON ETHICS



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Nelson C. Bellido, Esq., Commissioner

Dava J. Tunis, Esq., Commissioner

Professor Sandy Boisrond, Esq., Commissioner

Ignacio J. Vázquez, Jr., Executive Director

Thank you for your invitation & your kind attention.

Overview of Home Rule and Miami-Dade County Charter

Today's Discussion

- Overview of County Government in Florida
- The Constitution of 1885 and its Limits on Local Government Authority
- The Constitution of 1968 and the Proliferation of Local Home Rule
- The Special Case of Miami-Dade County - Home Rule Amendment and Charter

**Fla. Const.,
Art. VIII,
Sec. 1(a)**

“The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.”

**Fla. Const.,
Art. VIII,
Sec. 1(c)**

“Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.”

Types of County Government

Non- Charter Counties

Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict. (Art. VIII, Sec. 1(f))

Charter Counties

Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances. (Art. VIII, Sec. 1(g))

The Constitution of 1885 and Limits on Local Government Authority

Hunter v. Pittsburgh,

207 U.S. 161 (1907)

“Municipal corporations are political subdivisions of the state, created as convenient agencies for exercising such of the governmental powers of the state as may be entrusted to them.”

Dillon's Rule

“Dillon’s Rule” is a canon of statutory construction from common law that calls for the strict and narrow construction of local governmental authority. ... Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the [local government], and the power is denied.”

McQuillin, The Law of Municipal Corporations

Local Government – 1885 Constitution

- All legislative powers, including control over local affairs, resided in the state.
 - If a County wanted to have zoning powers, it needed a general or special (local) law enacted
 - For example, there were 450 special laws involving Dade County alone filed in the 1954 legislative session

County Government – 1885 Constitution

- Amendments to 1885 Constitution allowed four large counties to have home rule (Art. VIII, §§ 9, 10, 11, 24 Fla. Con. 1885)
 - Dade County – Home Rule Charter County
 - Duval County/City of Jacksonville – Became a “consolidated” County
 - Hillsborough County – No home rule charter ever adopted under constitutional provision
 - Monroe County/City of Key West – Never exercised option for consolidated government
- These four provisions were imported into Constitution of 1968 and are still of full force and effect (Art. VIII, § 6)

**What is
“Home Rule”?**

What is Home Rule?

- Home rule is about where the authority to govern comes from.
- How is the power given by the citizens to the state distributed by the state's constitution?
- Under Home Rule, state constitution grants local governments with the authority to exercise powers and perform functions without a prior express authorization from the state government.

What is Home Rule?

- Typically, the state constitution also empowers the legislature to enact statutes that limit or prohibit the exercise of powers by home rule governments.
- Under home rule, it is assumed that a local government has a power of local self-government unless it is preempted by a state statute or prohibited by a state constitution.
- Therefore, the strength of home rule depends on the balance between the constitutional grant of authority to the local government with the authority of the state government to expressly restrict such powers.

The Constitution of 1968 and the Proliferation of Local Home Rule

County Government – 1968 Constitution

- Allowed counties to become “charter” counties by election approving a charter (Art. VIII, § 1(c))
 - Pre-1968: 2 “charter” counties
 - Post 1968: 18 more “charter” counties

Local Government – Charter v. Non- Charter

Charter County	Non-Charter County
Authority flows from Florida Constitution	Authority flows from state legislature
Powers defined by Florida Constitution: “all powers of local self-government not inconsistent with general law”	Powers defined by state law: broad powers to carry on county government except to extent prohibited by constitution, general and special law Fla. Stat. § 125.01
Conflict between county and municipal ordinances governed by county charter	Ordinances yield to conflicting municipal ordinances within municipal boundaries

The Special Case of Miami-Dade County – Home Rule Amendment and Charter

Fla. Const., Art. VIII, §6(e)-(f)

- **(e) CONSOLIDATION AND HOME RULE.** Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended.
- **(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

Local Government – Miami-Dade County

- MDC derives its governing authority from multiple sources:
 - The Dade County Home Rule Amendment from the Constitution of 1885
 - Charter county provisions of Art. VIII, § 1(g) of the Constitution of 1968
 - State Statutes (e.g., Fla. Stat. §125.01)

Chase v. Cowart,
102 So. 2d 147 (Fla. 1958)

“... [W]hen the electors of Dade County adopted the home rule charter on May 21, 1957, the authority of the Legislature in affairs of local government in Dade County ceased to exist.”

**The Urban County: A Study
of New Approaches to Local
Government in
Metropolitan Areas,**
73 Harv. L. Rev. 526, 529 (1960)

“Only in Dade County, Florida, have political conditions permitted the creation of a central metropolitan government. There, judicial construction of a home-rule amendment to the Florida constitution and of a home-rule charter for the county is beginning to define a pattern of interlocal governmental relations unique in the United States.”

Local Government – Miami-Dade County

- Miami-Dade's unique home rule powers:
 - The Home Rule Charter (and ordinances enacted pursuant thereof) that relate to specific authority granted to Miami-Dade County in the Home Rule Amendment may conflict with General Law
 - Legislature has no power to enact special laws relating exclusively to Miami-Dade County

Local Government – Miami-Dade County

- What specific authority is expressly provided in the Home Rule Amendment:
 - (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 to do everything necessary to carry on a central metropolitan government in Dade County.

Miami Dade County Home Rule Amendment, § 1

Local Government – Miami-Dade County

- What is expressly provided in the Home Rule Amendment:
 - (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.

Miami Dade County Home Rule Amendment, § 1

Local Government – Miami-Dade County

- What is expressly provided in the Home Rule Amendment:
 - (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) [Superseded by Amendment 10]
 - (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.

Miami Dade County Home Rule Amendment, § 1

Local Government – Miami-Dade County

- What is expressly provided in the Home Rule Amendment:
 - (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.

Miami Dade County Home Rule Amendment, § 1

Alternative Meeting Location: Main Library Auditorium

Friday, 8/1-all day

Friday, 8/8-all day

Saturday, 8/9-all day

Monday, 8/11 - all day

Tuesday,8/12-all day

Friday, 8/15-all day

Friday, 8/22-all day

Monday, 8/25 - all day

Tuesday, 8/26-all day

Friday, 8/29-all day