

**Miami-Dade County Charter Review Task Force Agenda**  
**Official Version**  
**Wednesday, September 17, 2025**  
**1:00 PM**  
**Commission Chambers**

- I. Roll Call
- II. Pledge of Allegiance
- III. Reasonable Opportunity for the Public to be Heard
- IV. Comprehensive Overview of Approved Amendments Related to the Constitutional Officers
- V. Proposed Ballot Title & Summaries
  - A. Technical Changes/Amendments
  - B. Constitutional Officers
- VI. Discussion on the Structure of County Government
- VII. Other Discussion Items
  - A. Meeting Schedule
- VIII. Adjournment

Attachments:

- (1) Compilation of Charter Revisions Relating to Constitutional Officers
- (2) Proposed Ballot Language for Charter Amendments
- (3) Final Order
- (4) Post Judgement Remedial Order
- (5) Comparison of Florida Counties – Form of Government
- (6) History of County Salary Amendments
- (7) State of Florida Salary Report of County Officials (Oct. 2024)

PART I - CONSTITUTIONAL AMENDMENT AND CHARTER<sup>(1)</sup>

**THE HOME RULE AMENDMENT  
AND CHARTER**

**(AS AMENDED THROUGH  
NOVEMBER 8, 2018)**

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.

**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 ~~>>municipal<<~~ 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 (½) mill to supplement current county expenditures for children services and require voter renewal in 2008.

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 >>and with County Constitutional Officers<< 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, ~~>>to abolish or impair the jurisdiction, responsibilities, power or duties of the County Constitutional Officers set forth in the Florida Constitution or by general law, except as set forth therein.<<~~ 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.

### **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, >>or any County Constitutional Officer<< [[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.

(Res. No. R-685-20, 11-3-2020)

**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."

(Res. No. R-660-22, 11-8-22)

**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]]~~ **>>Supervisor of Elections<< [[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 5. - ADMINISTRATIVE ORGANIZATION AND PROCEDURE**

**SECTION 5.01. - DEPARTMENTS.**

There shall be departments of ~~[[finance]]~~ **>>budget<<**, 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]]~~>>MANAGEMENT AND BUDGET<<.**

- 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.]]>>The County Mayor shall serve as the County Budget Officer and shall carry out such duties in accordance with state law. The Mayor may delegate any budgetary responsibilities, powers, or duties to such other designee as he or she deems appropriate.<<~~
- 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 ~~>>ad valorem<<~~ taxes for the tax year beginning January 1, 1961, and all subsequent tax years, shall be collected by the ~~>>Tax Collector in accordance with state law.<<~~ ~~[[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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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 ( $\frac{2}{3}$ ) 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 ~~Board~~ ~~[[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 Incorporation 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 ~~>>in accordance with state law<<~~.
5. Upon certification of the sufficiency of the signatures on the petition, the ~~>>Clerk of the Board<<~~ ~~[[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 ~~>>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<~~. The election shall be held, whenever practicable, 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 ~~>>the<<~~ Miami-Dade County ~~>>Sheriff<<~~ 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 1,500 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 1,500 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 >>Board<< ~~[[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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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 ~~[[,]]~~ >>or<< 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 >>Board<< ~~[[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 >>Board<< ~~[[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.]]~~ >>COUNTY CONSTITUTIONAL OFFICERS.<<

- A. On May 1, 1958, the following offices ~~[[are hereby]]~~ >>were<< abolished and the powers and functions of such offices ~~[[are hereby]]~~ >>were<< transferred to the >>County<< ~~[[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]]~~ >>was<< abolished and the powers and functions of such office ~~[[are hereby]]~~ >>were<< transferred to the >>County.<< ~~[[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.]]~~
- >>C. On November 6, 2018, the electors of the State of Florida amended Article VIII, Section 1(d) and 6(g) of the Florida Constitution, which eliminated the ability for a county charter to: (a) abolish the office of Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, or Clerk of the Circuit Court (collectively, "County Constitutional Officers"), (b) transfer the duties of those officers to another officer or office, (c) change the length of the four-year term of office, or (d) establish any manner of selection other than by election by the electors of the county. This amendment also provided that these changes would take effect in Miami-Dade County on January 7, 2025. Accordingly, the previously abolished offices of Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections were reinstated as elected constitutional offices and the respective powers and functions of such offices were restored to such offices on January 7, 2025.<<

### 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 >>Board<< [[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 >>audits, as permitted by law, as well as<< 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 the 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 >>as permitted by law<<, 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 the 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.

(Res. No. R-683-20, 11-3-2020)

### **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 No. 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.

**Proposed Language for Charter Amendment Making Technical Changes**

**BALLOT TITLE:**

CHARTER AMENDMENT  
MISCELLANEOUS MATTERS AND TECHNICAL CHANGES

**BALLOT SUMMARY:**

Shall the Home Rule Charter be amended to make certain technical changes, including updating certain listed County locations to current name, removing gender-specific references, and ensuring consistent stylistic conventions for numbering, capitalization, and grammar?

**Proposed Language for Charter Amendment  
Making Revisions Due to County Constitutional Officers**

**BALLOT TITLE:**

CHARTER AMENDMENT  
REVISIONS DUE TO REESTABLISHMENT OF ELECTED COUNTY CONSTITUTIONAL OFFICES

**BALLOT SUMMARY:**

Shall the Home Rule Charter be amended to make certain changes that (1) address the reestablishment of the elected County Constitutional Offices of Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections, (2) clarify the respective duties of Clerk and County with respect to finance and budget, and (3) require County employees to take leave of absence when running for an elected constitutional office?

and sets forth a time by which payment must be made. Nothing in the language of the provision indicates that the legislature intended to prohibit payment of death benefits before such time as the will is admitted to probate. In the absence of any legislative history or case authority to the contrary, this Court holds that Defendant's payment of the death benefits for the New York Life policies to the marital trust created by the decedent's last will and testament, prior to the admission of the decedent's will to probate, did not violate Florida Statutes section 738.808(2).

[3] In its motion for summary judgement, Defendant claims that under Florida law, once payment of death benefits was made in accordance with the terms of the will, it was discharged of any further liability under the policy. In support of this proposition, Defendant points to Florida Statutes, section 627.423. This section provides that

[w]henver the proceeds or payments under a life or health insurance policy . . . become payable in accordance with the terms of such policy . . . and the insurer makes payment thereof in accordance with the terms of the policy . . . , the person then designated in the policy . . . as being entitled thereto shall be entitled to receive such proceeds or payments and to give full acquittance therefore; and *such payments shall fully discharge the insurer from all claims under the policy* . . . unless, before payment is made, the insurer has received at its home office written notice by or on behalf of some other person that such other person claims to be entitled to such payment . . . (emphasis supplied).

Plaintiff does not dispute that both the will and the policy designations named the trust as the beneficiary of the proceeds of both policies. Plaintiff makes no allegation that Defendant received notice that she or any other party claimed to be entitled to the proceeds of the policies before payment was made. In fact no such claim was made until Plaintiff instituted this action, long after payment was made under the policies. The undisputed facts of this case clearly

indicate that Defendant made payment of the proceeds of the policies in accordance with the terms of the policies to the beneficiary designated in the policies. Thus, under Section 627.423, Defendant is fully discharged from all claims under the New York Life policies.

#### Conclusion

Based on the forgoing, this Court holds that Defendant has met its burden of establishing the absence of any genuine issue of material fact, that Plaintiff has failed to designate specific facts showing there is a genuine issue for trial, and that summary judgement in this matter is properly granted.

As a matter of law, Plaintiff's claim that Defendant made improper payment of policy proceeds under Florida Statutes, section 738.808(2) must fail. Furthermore, under Florida Statutes, section 627.423 Defendant was discharged of all liability under the policies once payment of death benefits was made in accordance with the terms of the policies.

Accordingly, it is

ORDERED that Defendant's motion for summary judgement be granted. The Clerk of the Court shall enter judgement for Defendant and against Plaintiff.

DONE AND ORDERED.



Carrie MEEK, et al., Plaintiffs,

v.

METROPOLITAN DADE COUNTY,  
FLORIDA, et al., Defendants.

No. 86-1820-CIV.

United States District Court,  
S.D. Florida.

May 26, 1992.

Black and Hispanic citizens and registered voters of Dade County brought suit

**MEEK v. METROPOLITAN DADE COUNTY, FLA.****959**

Cite as 805 F.Supp. 958 (S.D.Fla. 1992)

against county claiming that structure for electing board of county commissioners violated Voting Rights Act by diluting Black and Hispanic voting power and moved for summary judgment. The District Court, Graham, J., held that genuine issue of material fact existed as to whether white majority voted sufficiently as a bloc to enable it to defeat Hispanics' preferred candidate, precluding summary judgment.

Motion for summary judgment denied.

**1. Federal Civil Procedure ¶2544**

Party moving for summary judgment bears burden of demonstrating that there is no genuine dispute as to any material factual issues. Fed.Rules Civ.Proc.Rule 56(c), 28 U.S.C.A.

**2. Federal Civil Procedure ¶2470.1**

Substantive law will identify which facts are material to motion for summary judgment.

**3. Federal Civil Procedure ¶2470.2**

Only disputed facts that might affect outcome of suit under the governing law will properly preclude entry of summary judgment.

**4. Federal Civil Procedure ¶2543**

In assessing motions for summary judgment, court must review the evidence and all factual inferences therefrom in light most favorable to party opposing motions.

**5. Federal Civil Procedure ¶2544**

Once party moving for summary judgment has demonstrated that an essential element of nonmoving party's case is lacking, nonmoving party must offer proof sufficient to establish existence of essential element or else district court will be required to grant movant's motion for summary judgment. Fed.Rules Civ.Proc.Rule 56(c), 28 U.S.C.A.

**6. Federal Civil Procedure ¶2544**

If party moving for summary judgment relief does not meet its burden, court can still enter order granting partial summary judgment on the material facts which

have no substantial controversy. Fed. Rules Civ.Proc.Rule 56(d), 28 U.S.C.A.

**7. Elections ¶12(3)**

To prevail on vote dilution claim in Eleventh Circuit, minority group must demonstrate that it is sufficiently large and geographically compact to constitute majority in single member district, that it is politically cohesive, and that the white majority votes sufficiently as a bloc to enable it usually to defeat group's preferred candidate. Voting Rights Act of 1965, § 2, as amended, 42 U.S.C.A. § 1973.

**8. Federal Courts ¶951**

District court must apply law mandated by its reviewing Court of Appeals, which is binding on all subsequent proceedings in the same case.

**9. Elections ¶12(9)**

After minority group has established *Gingles* factors for vote dilution claim, court may then conduct totality of the circumstances analysis and consider other relevant factors, including extent of any history of official discrimination in political subdivision that touches right of members of group to register or vote, extent to which voting in elections of political subdivision is racially polarized, whether political campaigns have been characterized by overt or subtle racial appeals, and extent to which members of group have been elected to public office in the jurisdiction; there is no requirement that any particular number of factors be proven. Voting Rights Act of 1965, § 2, as amended, 42 U.S.C.A. § 1973.

**10. Federal Courts ¶955**

Court may reconsider issues previously decided by a Court of Appeals if substantially different evidence is produced at subsequent trial, controlling authority compels contrary decision of law applicable to issue, or prior decision was clearly erroneous and would work manifest injustice.

**11. Counties ¶38**

Black and Hispanic voters established that they were sufficiently large and geographically compact to constitute majority in single member district and that they were politically cohesive as required to es-

establish vote dilution claim. Voting Rights Act of 1965, § 2, as amended, 42 U.S.C.A. § 1973.

#### 12. Federal Civil Procedure ¶2481

Material issue of fact as to whether white majority voted sufficiently as a bloc to enable it to defeat preferred candidate of Hispanics precluded summary judgment for Hispanics in their vote dilution claim against Dade County. Voting Rights Act of 1965, § 2, as amended, 42 U.S.C.A. § 1973.

Thomasina H. Williams, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., Miami, Fla., for plaintiffs Packington, Meek Burke and Intervenor Ferguson.

Steven M. Cody, Miami, Fla., for plaintiffs.

Robert A. Duvall, Dade County Attorney's Office, Miami, Fla., for defendants.

#### MEMORANDUM OPINION AND ORDER

GRAHAM, District Judge.

THIS CAUSE is before the Court upon Plaintiffs' various motions seeking summary judgment relief.

The Court having considered the motions, responses, replies, the pertinent portions of the record, and having heard oral argument of counsel in this action, hereby DENIES final summary judgment specifically as to the third prong in *Thornburg v.*

1. Hereafter referred to as "Plaintiffs" or "Hispanic Plaintiffs" or "Black Plaintiffs".
2. Hereafter referred to as "Dade" or "the County".
3. Section 2 of the Voting Rights Act, as amended in 1982 provides:
  - (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided by subsection (b) of this section.
  - (b) A violation of subsection (a) of this section is established if, based on the totality of the circumstances, it is shown that the politi-

*Gingles*, 478 U.S. 30, 106 S.Ct. 2752, 92 L.Ed.2d 25 (1986).

Upon review of the record and history of this case, however, the Court finds that there are no genuine issues of material fact as to prongs one and two of the *Gingles* test for both Hispanic and Black Plaintiffs.<sup>1</sup> Accordingly, partial summary judgment, which is merely a pretrial adjudication that certain issues shall be deemed established for the trial of the case, is GRANTED for Hispanic and Black Plaintiffs as to prongs one and two of the *Gingles* test.

#### I. BACKGROUND

In 1986, Black and Hispanic citizens and registered voters of Dade County, Florida<sup>2</sup> brought suit against the County claiming that the structure for electing the Board of County Commissioners violated section two of the Voting Rights Act by diluting Black and Hispanic voting power.<sup>3</sup>

On October 5, 1988, Judge Kenneth L. Ryskamp of this Court, on cross-motions for summary judgment, ruled in favor of Dade County because Black and Hispanic Plaintiffs had not satisfied the third factor in *Gingles*. The Court held that Plaintiffs failed to show the existence of a Non-Hispanic White majority that usually defeated the election of the minority's preferred candidate. As to Hispanic Plaintiffs, the Court reasoned that since the Non-Hispanic Whites did not constitute a

cal processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered:

*Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in population.

42 U.S.C. § 1973 (1982).

## MEEK v. METROPOLITAN DADE COUNTY, FLA.

961

Cite as 805 F.Supp. 958 (S.D.Fla. 1992)

majority of the total population, the Non-Latin White voting bloc did not cause the defeat of Hispanic candidates. The District Court concluded instead that the defeat of the Hispanic candidates resulted from their failure to register and vote because Hispanics could constitute "the largest segment of registered voters with an effective registration drive." District Court Order of November 6, 1988 at 10.<sup>4</sup>

The District Court, however, held that both Black and Hispanic Plaintiffs satisfied the first two prongs enunciated in *Thornburg v. Gingles*, 478 U.S. 30, 106 S.Ct. 2752, 92 L.Ed.2d 25 (1986): 1) that Plaintiffs prove that they are sufficiently large and geographically compact minority groups to constitute a majority in a single-member district,<sup>5</sup> and 2) that the Plaintiffs are politically cohesive.<sup>6</sup>

On appeal to the Eleventh Circuit Court of Appeals, the Eleventh Circuit reversed and remanded the case to this Court. *Meek v. Metropolitan Dade County*, 908 F.2d 1540 (11th Cir.1990), *cert. denied*, — U.S. —, 111 S.Ct. 1108, 113 L.Ed.2d 217 (1991). The Eleventh Circuit held that the District Court erroneously applied the third factor in *Gingles*. The Eleventh Circuit opined that although the Non-Hispanic White voting bloc did not constitute a majority, when paired with politically cohesive Blacks, who tend to vote against Hispanic

candidates, a majority is formed which usually denies the Hispanics the opportunity to elect their preferred candidate. *Meek*, 908 F.2d at 1546-47. The Eleventh Circuit noted the District Court's lack of evidence of the voting age Hispanic population to support its conclusion. *Id.*

Upon remand, all parties filed cross-motions for summary judgment before Judge James Lawrence King of this Court. Judge King denied the motions because there were genuine issues of material fact as to whether Plaintiffs could satisfy the third prong of the three-pronged test set forth in *Gingles*. As to Black Plaintiffs, Judge King held that due to unresolved conflicting factual issues involving the ability of Blacks to elect their preferred representatives, the Court could not enter summary judgment for any party as a matter of law. *See* Order Denying Plaintiffs' Motions for Final Summary Judgment ("Order"), July 30, 1991 769 F.Supp. 1220, 1222.

With respect to Hispanic Plaintiffs, Judge King found that there was a genuine issue of material fact regarding the third factor in *Gingles* as to whether the "Hispanics are indeed an electoral minority that can be blocked from electing their preferred representatives." *See* Order, July 30, 1991 769 F.Supp. at 1221. Judge King reasoned that although recent census data

4. The November 6, 1988 order was a denial of Plaintiffs' Motion to Alter Summary Final Judgment entered for the Defendants on October 5, 1988.

5. In the October 5, 1988 order, Judge Ryskamp noted that "[t]he defendants do not dispute the Black Plaintiffs' ability to meet this first *Thornburg* precondition." *Id.* at 16. As to the Hispanic Plaintiffs, the District Court held that "this court is convinced that the approximately 811,000 Hispanics in Dade County . . . meet *Thornburg*'s first precondition." *Id.* at 17. In the November 6, 1988 order, the District Court again stated that it found that "both Blacks and Hispanics satisfy the first prong of the *Thornburg* test." District Court opinion of November 6, 1988 at 2.

Moreover, Judge King's order dated July 30, 1991 769 F.Supp. 1220 (S.D.Fla.1991), also implies that the first prong of the *Gingles* test has been satisfied. Judge King's analysis of the Hispanic Plaintiffs, motion began by stating that "[t]he factual issue in question involves whether

Hispanics are indeed an electoral minority that can be blocked from electing their preferred representatives." Order of July 30, 1991 at 1221. In concluding, Judge King again stated that "it is the conclusion of this court that genuine issues of material fact remain as to the third prong of the *Gingles* test." *Id.* at 1222-23. Thus, this Court finds that although Judge King didn't expressly address the first two prongs of the *Gingles* test, the July 30, 1991 order implies that those issues are resolved.

6. Judge Ryskamp's original order of October 5, 1988 held that Hispanics were not politically cohesive. *Id.* at 17. Upon re-examination of the statistical evidence, however, the Court in its November 6, 1988 order found that "[t]he use of homogeneous precinct analysis and bivariate regression analysis in this case has convinced this court of the political cohesiveness of both Blacks and Hispanics. The plaintiffs have sufficiently shown that a significant number of minority group members usually vote for the same candidates." *Id.* at 3.

shows Hispanics constituting 50.5% of the voting age population in Dade County, the inclusion of many immigrants and refugees into this category decreases the number of Hispanics eligible to register to vote. *Id.*

The basis for the genuine issue held to be of material fact by Judge King was the Eleventh Circuit's opinion which stated that there was no evidence of the "relative numbers of voting age persons in the various voting blocs" to support Judge Ryskamp's decision. *Meek*, 908 F.2d at 1546. Judge King explained that the Eleventh Circuit's concern, coupled with the composition of Dade County's Hispanic population, suggest that "the ages of Hispanics cannot be the sole determinative factor in measuring voting strength in Dade County"; rather, it is "available voting strength that should be evaluated." (Emphasis in original). *See Order*, July 30, 1991 769 F.Supp. at 1221, & 1222.

The Court concluded as follows:

Where Hispanics have become a bare majority of the voting age population—achieving the majority status by just 0.5%—there remains a material issue of fact as to whether the number of Hispanics who cannot yet register to vote will cause this Hispanic "majority" to be "politically submerged" as a minority of those who are either enfranchised or capable of becoming enfranchised. This is illustrated by the reality that Dade County Hispanics who have moved to the United States within the last five years, even if they are of voting age, cannot normally have obtained the right to vote. *See, e.g.*, 8 U.S.C. § 1427(a) (imposing a five year residence period before persons can be naturalized). Given this factual issue as to Hispanic voting strength, this court finds that summary judgment cannot be entered for any party as a matter of law.

*Id.* at 1222.

Following the denial of Plaintiffs and Defendants' cross-motions for final sum-

7. As to materiality, the substantive law will identify which facts are material. Only disputed facts that might affect the outcome of the suit under the governing law will properly preclude

mary judgment, Plaintiffs brought an action in Florida State Court before Judge Murray Goldman on August 21, 1991 to release the results of a survey of Hispanic citizenship that University of Miami Professor Ira Sheskin conducted for the County Attorney's office. On August 23, 1991, Judge Goldman held that the results of the survey were public records in accordance with Florida Statute § 119.01.

On the same day, the County filed a motion for protective order in this Court requesting an order precluding any attempt by the Plaintiffs to use page 4 of the Sheskin survey report in these proceedings. The County, however, withdrew its motion for protective order after reaching an agreement with Plaintiffs regarding the admissibility and accuracy of the results of the Sheskin survey and a reasonable distribution of the costs for such survey.

Based on the results of the Sheskin survey and other statistical calculations, Hispanic Plaintiffs filed their Renewed Motion for Final Summary Judgment on August 28, 1991; they claimed that the survey resolves the one remaining genuine issue of material fact and demonstrates that Hispanics constitute a minority of those who are enfranchised in Dade County, Florida.

## II. SUMMARY JUDGMENT STANDARD

[1–3] As a preliminary matter, a district court may grant summary judgment if the moving party shows that there is no genuine issue as to any material fact,<sup>7</sup> and it is entitled to judgment as a matter of law. Fed.R.Civ.P. 56(c); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S.Ct. 2548, 2552, 91 L.Ed.2d 265 (1986); *Real Estate Financing v. Resolution Trust Corp.*, 950 F.2d 1540, 1543 (11th Cir.1992). The moving party bears the burden of demonstrating that there exists no genuine dispute as to any material factual issues. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256, 106 S.Ct. 2505, 2514, 91 L.Ed.2d 202 (1986).

the entry of summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S.Ct. 2505, 2510, 91 L.Ed.2d 202 (1986).

## MEEK v. METROPOLITAN DADE COUNTY, FLA.

963

Cite as 805 F.Supp. 938 (S.D.Fla. 1992)

[4] Moreover, in assessing the motions for summary judgment, the Court must review the evidence and all factual inferences therefrom in the light most favorable to the party opposing the motions. *Rollins v. TechSouth, Inc.*, 833 F.2d 1525, 1527-28 (11th Cir.1987).

[5] The non-moving party's burden, however, is not lessened by the movant's initial burden. Accordingly, once the movant has demonstrated that an essential element of the non-moving party's case is lacking, the non-moving party must offer proof sufficient to establish the existence of the essential element or else the district court will be required to grant the movant's motion for summary judgment. *Id.* at 1528; *Real Estate Financing*, 950 F.2d at 1543 citing *Celotex Corp.*, 477 U.S. at 322, 106 S.Ct. at 2552.<sup>8</sup>

[6] If the party moving for summary judgment relief does not meet its burden, the court can still enter an order granting partial summary judgment on the material facts which have no substantial controversy. Fed.R.Civ.P. 56(d).<sup>9</sup> Partial summary judgment is merely a pretrial adjudication that certain issues shall be deemed established for the trial of the case. *Lovejoy Electronics, Inc. v. O'Berto*, 616 F.Supp. 1464, 1473 (N.D.Ill.1985) citing 6 J. Moore & J. Wicker, *Moore's Federal Practice* § 56.20 (2d ed. 1948). This adjudication accelerates litigation by framing and narrowing the triable issues, and by eliminating, before trial, matters that contain no genuine issue of material fact. *See Lovejoy*, 616 F.Supp. at 1473.

8. The purpose of Rule 56 is to allow for the prompt disposition of a case when there is no genuine issue as to any material fact. *See* Advisory Committee Notes to Rule 56. As stated in the Advisory Notes: "The very mission of the summary judgment procedure is to pierce the pleadings and to assess the proof in order to see whether there is a genuine need for trial."

9. Rule 56(d) provides:

(d) **Case Not Fully Adjudicated on Motion.**

If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining

## III. GOVERNING LAW

[7] In order to prevail on a vote dilution claim in this Circuit, a plaintiff must establish the three core *Gingles* factors:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. If it is not, as would be the case in a substantially integrated district, the *multi-member form* of the district cannot be responsible for minority voters' inability to elect its candidates. Second, the minority group must be able to show that it is politically cohesive. If the minority group is not politically cohesive, it cannot be said that the selection of a multimember electoral structure thwarts distinctive minority group interests. Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed—usually to defeat the minority's preferred candidate. In establishing this last circumstance, the minority group demonstrates that submergence in a white multimember district impedes its ability to elect its chosen representatives.

*Meek*, 908 F.2d at 1542 citing *Gingles*, 106 S.Ct. at 2766-67.

[8] This Court must apply the applicable law mandated by its reviewing Court of Appeals, which is binding on all subsequent proceedings in the same case. *See Williams v. City of Dothan*, 818 F.2d 755, 758, *modified*, 828 F.2d 13 (11th Cir.1987). This Court, however, is also cognizant of the Eleventh Circuit's conflicting interpre-

the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

tations of *Gingles*, section 2 of the Voting Rights Act, 42 U.S.C. § 1973 (1982), and on the legal effect of proving the above-listed factors. In *Solomon v. Liberty County, Fla.*, 899 F.2d 1012, 1013 (11th Cir.1990) (en banc), cert. denied, — U.S. —, 111 S.Ct. 670, 112 L.Ed.2d 663 (1991), the Eleventh Circuit stated that the Court is divided on the legal effect of satisfying the three *Gingles* factors. The Court did not specifically direct the district court on how to proceed on remand, but instead, instructed the district court to proceed in accordance with *Gingles*, while considering the two views of the Eleventh Circuit (i.e., Chief Judge Tjoflat's and Judge Kravitch's specially concurring opinions). The Eleventh Circuit in *Hall v. Holder*, 955 F.2d 1563, 1568 n. 9 (11th Cir.1992), also noted its division "on the issues of whether plaintiffs can make out a § 2 violation simply by establishing the *Gingles* factors and whether defendants can raise a defense under the totality of the circumstances after the plaintiffs have satisfied the *Gingles* preconditions." Furthermore, even Judge Kravitch in *Meek* did not find it unacceptable to make a totality of the circumstances analysis under Judge Tjoflat's approach after the plaintiffs have satisfied the three *Gingles* preconditions. Judge Kravitch opined as follows:

If the district court found the plaintiffs to have satisfied the three *Gingles* fac-

tors, it appears on the facts of this case, where the district court has found the existence of racial hostility between Blacks and Hispanics driving electoral results, that under either view of the *Solomon* en banc court, the plaintiffs might be entitled to relief. Given the posture of this case, we decline to assume the existence of facts in order to apply the law hypothetically. Further, the Supreme Court has made clear that the district court should analyze the facts in the first instance. We therefore decline to reach issues not necessary to the decision of this case.

*Id.* at 1549.

[9] Accordingly, this Court gives due consideration to the views expressed in Chief Judge Tjoflat's and Judge Kravitch's specially concurring opinions in *Solomon*, 899 F.2d 1012. In order to pass the summary judgment threshold, a minority group must satisfy the three *Gingles* factors. Upon satisfaction of these criteria, this Court may then conduct a "totality of the circumstances" analysis and consider other relevant factors referred to as the "Senate Report" or "Zimmer" factors.<sup>10</sup> In this case, however, the analysis ceases after consideration of the first three prongs of the *Gingles* test because there is a genuine issue of material fact as to the third prong, which can only be resolved at trial.<sup>11</sup>

10. One of the first cases to state the factors was *Zimmer v. Mckeithen*, 485 F.2d 1297, 1305-07 (5th Cir.1973) (en banc), *aff'd on other grounds sub nom., East Carroll Parish School Board v. Marshall*, 424 U.S. 636, 96 S.Ct. 1083, 47 L.Ed.2d 296 (1976) (per curiam); see also *White v. Regester*, 412 U.S. 755, 766-67, 93 S.Ct. 2332, 2339-40, 37 L.Ed.2d 314 (1973).

11. Assuming the plaintiffs satisfy the third *Gingles* prong at trial, then this Court will be free to consider the "Senate" or "Zimmer" factors set out in the legislative history of § 2 of the Voting Rights Act. The Senate factors provide courts with additional guidance in determining a vote dilution claim. The following is a list of the Senate factors:

1) The extent of any history of official discrimination in the state or political subdivision that touches the right of the members of the minority group to register, to vote or otherwise to participate in the democratic process;

2) The extent to which voting in the elections of the state or political subdivision is racially polarized;

3) The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;

4) If there is a candidate slating process, whether the members of the minority group have been denied access to that process;

5) The extent to which members of the minority group in the state or political subdivision bear the effects of past discrimination which hinders their ability to participate effectively in the political process;

6) Whether political campaigns have been characterized by overt or subtle racial appeals;

7) The extent to which members of the minority group have been elected to public office in the jurisdiction.

## IV. ANALYSIS

As stated above, once Plaintiffs establish the three core *Gingles* factors, this Court may conduct a totality of the circumstances analysis.

[10, 11] As to prongs one and two of the *Gingles* test, the Court has determined that both Black and Hispanic Plaintiffs have satisfied their respective burdens. On appeal, the Eleventh Circuit affirmed the District Court's conclusion that Plaintiffs satisfied their burden as to the first *Gingles* prong, and it also held that the second *Gingles* prong was not in dispute. *Meek v. Dade County*, 908 F.2d 1540, 1549 (11th Cir.1990). Consequently, this Court may not reconsider these issues. See *Williams*, 818 F.2d at 758.<sup>12</sup>

[12] As to the third *Gingles* prong, however, the Eleventh Circuit concluded

Senate Judiciary Committee Report, at 28-29, U.S.Code Cong. & Admin.News 1982, 177, 206-207; *Gingles*, 478 U.S. at 37, 106 S.Ct. at 2759.

The Court can also consider the following additional factors:

a) Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group.

b) Whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous.

Senate Report, at 28-29, U.S.Code Cong. & Admin.News 1982, pp. 177, 206-207; *Gingles*, 478 U.S. at 37, 106 S.Ct. at 2759.

These factors are to be considered within the totality of the circumstances; they are neither comprehensive nor exclusive. There is no requirement that any particular number of factors be proven. *Gingles*, 478 U.S. at 45, 106 S.Ct. at 2763. Instead, the determination depends upon "a searching practical evaluation of the 'past and present reality' ... and on a functional view of the political process." *Id.* at 45, 106 S.Ct. at 2764.

12. A court may reconsider issues previously decided by a court of appeals if one of three exceptions is present: "(1) substantially different evidence is produced at a subsequent trial; (2) controlling authority compels a contrary decision of law applicable to the issue; or (3) the prior decision was clearly erroneous and would work manifest injustice." *Williams v. City of Dothan*, 818 F.2d 755, 758 citing *Dorsey v. Continental Cas. Co.*, 730 F.2d 675, 678 n. 2 (11th Cir.1984). The Court finds that no exception exists in the case *sub judice*, and, therefore, the Court is not required to reconsider the first two *Gingles* factors.

that the District Court's determination was based upon an erroneous application of the law. Therefore, the Eleventh Circuit now instructs this Court to reconsider the third *Gingles* prong and determine whether "Hispanics<sup>13</sup> have thus far usually elected preferred representatives". *Meek*, 908 F.2d at 1549. The court should also consider "whether ... Hispanics are impaired in their ability to elect representatives of their choice by the manner in which the voting districts are now drawn." *Id.*

In determining whether Hispanic Plaintiffs can satisfy the third *Gingles* prong, the Court must assess whether "Hispanics are indeed an electoral minority that can be blocked from electing their preferred representatives." 769 F.Supp. at 1221. The Court must resolve not whether Hispanics

Although not required, this Court conducted an independent review of all the relevant pleadings addressing prongs one and two of *Gingles* and concurs with the previous findings by the District Court and Court of Appeals that Black and Hispanic Plaintiffs have satisfied prongs one and two of the *Gingles* test. As to prong one of *Gingles*, this Court reviewed the deposition of Charles W. Blowers, Chief of the Research Division of the Metro-Dade Planning Department, which supports the assertion that both Black and Hispanic Plaintiffs reside in geographically compact areas in Dade County. The deposition also reveals that census tracts which contained 90% of the Blacks in Dade County contained only 10% of Non Latin Whites. Similarly, census tracts evidencing 90% of the Hispanics in Dade County contain less than 50% Non Latin Whites. Moreover, County Commission District 2 is made up of 62.8% Hispanic voters, and County Commission District 3 has a Black plurality of the total population. See Revised Pre-Trial Stipulation at 20.

As to the second prong in *Gingles*, this Court reviewed the affidavit of Genie Stowers, Professor of Political Science and Public Affairs at the University of Alabama at Birmingham. Professor Stowers' conclusion that Black and Hispanic Plaintiffs are politically cohesive stems from the homogenous precinct and bivariate regression analyses of county elections held between 1976 and 1986, which showed strong support between Black voters and candidates of the same group, and between Hispanics and candidates of their group. See Affidavit of Genie Stowers at 3 (Feb. 11, 1988).

13. This Court addresses the Eleventh Circuit's instructions only as to Hispanic Plaintiffs.

are a majority of the population of Dade County, but rather, what percentage of Dade County's voting age population consists of voting age Hispanics eligible to vote. This endeavor requires an analysis of citizenship data for Dade County's population.

In addressing the foregoing issues, the Court has relied upon and considered the pertinent pleadings, exhibits and stipulations on file, including a copy of the results of the survey of Hispanic citizenship that University of Miami Professor Ira Sheskin conducted for the County Attorney's office.

The most recent 1990 Census data indicates that Dade County had a voting age population of 1,469,084 and that voting age Hispanics comprised 741,846 of the population, constituting forming 50.5% of the voting age population. The 1990 Census data, however, has not yet produced any information on citizenship in Dade County.<sup>14</sup>

Hispanics rely on mathematical equations using figures obtained from the Sheskin survey to support their contention that Hispanics are a minority in Dade County. The results of the survey demonstrate that 61.1% of voting age Hispanics in Dade County are citizens, and 38.9% are not citizens and, therefore, ineligible to vote. Hispanic Plaintiffs' calculations consist of multiplying the number of voting age Hispanics by the citizenship level ascertained by the County, which concludes that 453,268 voting age Hispanics are eligible to vote<sup>15</sup>. Conversely, the remaining 288,578 are ineligible to vote.<sup>16</sup>

The computation then excludes the ineligible, voting age Hispanics from the County's total voting age population and concludes that the number of eligible voters in Dade County is 1,180,506.<sup>17</sup> The Hispanic

14. The parties have informed the Court that they have received notice from the Bureau of the Census that information on the citizenship status of persons in Dade County, identified by race and ethnicity, will not be available until 1993.

15. 741,846 voting age Hispanics multiplied by 61.1% citizenship level = 453,268 Hispanics eligible to vote.

Plaintiffs then claim that dividing the number of eligible, voting age Hispanics by the total voting age population in Dade County makes eligible, voting age Hispanics 38.40% of the County's total voting age population.<sup>18</sup>

If this Court were able to compare apples and oranges, then the above results would reveal that eligible, voting age Hispanics are a minority in Dade County. Due to Dade County's diverse cultural makeup, however, any numerical computation to determine voting status of a population must also examine the citizenship classification of populations of different races.

Hispanic Plaintiffs' computations exclude ineligible, voting age Hispanics (288,578) from the County's total voting age population (1,469,084), but they do not exclude non-citizen Blacks and non-citizen, non-Hispanic Whites. For example, the Haitian population in Dade County, like the Hispanic population, is primarily an immigrant population and may well have a large non-citizen element. The exclusion of other voting age, non-citizens from the Hispanic Plaintiffs' calculations precludes this Court from ascertaining an accurate numerical measure of the County's total eligible voters. Therefore, because a genuine issue of material fact exists as to prong three of the *Gingles* test, this Court holds that Hispanic Plaintiffs fail to satisfy the preconditions necessary for this Court to make a totality of the circumstances analysis.

## VI. CONCLUSION

Based on the foregoing, the Court finds that Hispanic Plaintiffs have not met their burden of demonstrating that there exists no genuine issues of material facts on the *Gingles* third prong. Accordingly, Hispan-

16. 741,846 voting age Hispanics minus 453,268 Hispanics eligible to vote = 288,578 Hispanics not eligible to vote.

17. Dade County's total voting age population of 1,469,084 minus 288,578 Hispanics not eligible to vote = 1,180,506.

18. 453,268 Hispanic eligible voters divided by 1,180,506 total eligible voters = percentage of Hispanic eligible voters among all eligible voters.

ic Plaintiffs' motion for final summary judgment is DENIED.

It is further ORDERED AND ADJUDGED that partial summary judgment as to the first two prongs of the *Gingles* test is GRANTED as to both Black and Hispanic Plaintiffs.

DONE AND ORDERED.



Carrie MEEK, et al., Plaintiffs,

v.

METROPOLITAN DADE COUNTY,  
FLORIDA, et al., Defendants.

No. 86-1820-CIV.

United States District Court,  
S.D. Florida.

Sept. 11, 1992.

Black and Hispanic citizens and registered voters of Dade County brought suit against county claiming that structure for electing board of county commissioners violated Voting Rights Act by diluting Black and Hispanic voting power. The District Court, Graham, J., held that Black and Hispanic voters established their vote dilution claims.

So ordered.

#### 1. Elections ⇄12(3)

To prevail on vote dilution claim, minority group must initially demonstrate that it is sufficiently large and geographically compact to constitute majority in single member district, that it is politically cohesive, and that the white majority votes sufficiently as a bloc to enable it, in the absence of special circumstances, usually to defeat group's preferred candidate. Voting Rights Act of 1965, § 2, as amended, 42 U.S.C.A. § 1973.

805 F.Supp.—23

#### 2. Elections ⇄12(3)

After minority group has established *Gingles* factors for vote dilution claim, court then conducts totality of the circumstances analysis where it considers extent of any history of official discrimination in political subdivision that touched right of group members to register or vote, extent to which voting and elections of political subdivision were racially polarized, extent to which political subdivision has used unusually large election districts and/or majority vote requirements, whether political campaigns have been characterized by overt or subtle racial appeals and extent to which group members have been elected to public office in the jurisdiction. Voting Rights Act of 1965, § 2, as amended, 42 U.S.C.A. § 1973.

#### 3. Counties ⇄38

In determining whether affirmative defense that voters were not motivated by racial bias was established on vote dilution claim, court would examine voting patterns along racial lines as established in *Gingles*. Voting Rights Act of 1965, § 2, as amended, 42 U.S.C.A. § 1973.

#### 4. Counties ⇄38

Black voters in Dade County demonstrated that they were sufficiently large and geographically compact to constitute majority in single member district, that they were politically cohesive, that non-Black majority voted sufficiently as a bloc to enable it, in absence of special circumstances, usually to defeat Blacks' preferred candidate, and that totality of the circumstances analysis indicated that vote dilution existed and, thus, established their claim that the structure for electing Dade County board of commissioners diluted their voting power. Voting Rights Act of 1965, § 2, as amended, 42 U.S.C.A. § 1973.

#### 5. Counties ⇄38

Although the Black candidate won seven of the past 13 elections for Dade County board of commissioners, this data did not demonstrate that Blacks in Dade County were able to elect their preferred candidate in the absence of special circumstances and thereby rebut Blacks' vote dilution claim;

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 86-1820-CIV-GRAHAM

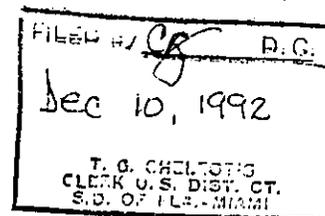
CARRIE MEEK, et al.,

Plaintiffs,

vs.

METROPOLITAN DADE COUNTY, et al.,

Defendants.



MEMORANDUM OPINION AND REMEDIAL ORDER

This cause is before the Court pursuant to this Court's September 11, 1992, Order directing the parties to submit an election plan in compliance with Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973 et seq. [hereinafter, "section 2"]. Having presided over seven days of trial and a separate evidentiary hearing, having examined the Special Master's Report, and having reviewed the testimony, exhibits, reports, stipulations, and written and oral arguments of counsel, the Court will now issue a ruling regarding Defendants' Original and Revised Plans. For the reasons detailed below, this Court finds that the at-large proposal and the regional proposal contained in Defendants' Revised Plan violate section 2. This Court also finds that the regional proposal in Defendants' Original Plan violate the one-person, one-vote requirement of the

Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.<sup>1</sup>

## I. PROCEDURAL BACKGROUND

### A. LIABILITY PHASE OF THE CASE

This voting rights case was filed on August 22, 1986. There are two groups of plaintiffs: (1) Carrie Meek, James Burke, and Ralph Packingham, as well as plaintiff/intervenor Betty Ferguson [hereinafter "Black Plaintiffs"]; and (2) Xavier Suarez, Maurice Ferre, Victor DeYurre, Pedro José Gonzales, Prisciliano Falcon and Orlando Urrea [hereinafter "Hispanic Plaintiffs"].

Both groups of Plaintiffs contended that the existing at-large electoral system for the Metropolitan Dade County Board of Commissioners impermissibly diluted the voting strength of both Hispanics and Blacks in Dade County and denied them an equal opportunity to elect candidates of their choice.

Defendants are Metropolitan Dade County, Florida; Mayor Steven P. Clark; and Commissioners Mary Collins, Charles Dusseau, Joseph Gersten, Larry Hawkins, Alexander Penelas, Harvey Ruvin, Arthur Teele and Sherman Winn [hereinafter "Defendants"]. The Mayor and the other Commissioners are sued in their official capacities only.

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<sup>1</sup> This Memorandum and Order contains findings of fact and conclusions of law, as well as reasons for this judgment.

On October 5, 1988, the Honorable Kenneth L. Ryskamp, United States District Judge for the Southern District of Florida, held that both groups of Plaintiffs had satisfied the first two prongs of the test under Thornburg v. Gingles, 478 U.S. 30 (1986), for a suit premised upon section 2. Judge Ryskamp further ruled, however, that Plaintiffs had failed to satisfy the third prong. Therefore, Judge Ryskamp granted summary judgment in favor of Defendants. The United States Court of Appeals for the Eleventh Circuit reversed and remanded, holding that the District Court had misapplied the third Gingles factor. Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir. 1990), cert. denied, 111 S.Ct. 1108 (1991).

On remand, Judge Ryskamp recused himself, and the case was assigned to the Honorable James Lawrence King. It was later reassigned to this Court as 86-1820-Civ-Graham. This Court granted partial summary judgment in favor of Plaintiffs with respect to the first two Gingles factors and conducted a seven-day trial during June 1992, regarding the third factor. On August 14, 1992, this Court issued a final judgment in favor of Plaintiffs, holding that the existing at-large electoral system violates section 2 of the Voting Rights Act. An Amended Final Judgment was entered on September 11, 1992. In that Amended Final Judgment, the County was enjoined from conducting elections under the at-large electoral scheme. The Defendants were ordered to submit a proposed remedial plan for electing the members of the Metropolitan Dade County Board of Commissioners.

Further details on the procedural background of this case are contained in the Amended Final Judgment, this Court's Order of May 26, 1992, and the Eleventh Circuit's opinion. See Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir. 1990), cert. denied, 111 S.Ct. 1108 (1991).

B. REMEDIAL PHASE OF THE CASE

On September 30, 1992, Defendants submitted a proposed remedial plan [hereinafter "Defendants' Original Plan"]. Black Plaintiffs responded with a Memorandum in Opposition and an alternative plan [hereinafter "Black Plaintiffs' Plan"]. Hispanic Plaintiffs did not submit their own plan. Instead, they specified their objections to portions of Defendants' Original Plan.

After these submissions, the Court appointed Professor M. David Gelfand of Tulane Law School as Special Master, pursuant to Rule 53, F.R.Civ.P., to assist in developing a redistricting plan for electing persons to the County Board of Commissioners in compliance with section 2. Professor Gelfand had previously served as Special Master in Dawson v. Police Jury of Washington Parish, Civil Action No. 82-3575 (E.D. La. 1983), and as the court-appointed Independent Expert Witness in DeGrandy v. Wetherell, 794 F.Supp. 1076 (N.D. Fla. 1992). In DeGrandy, his proposed plan for redistricting Florida's 23 congressional seats was accepted by the Special Master and by the three-judge court. Id. at 1081.

This Court joins the parties in commending Professor Gelfand and his staff for their rapid and thorough work in digesting the complex technical, legal, and factual materials involved in these remedial proceedings. His Report and Recommendations were submitted on November 13, 1992, well in advance of the original deadline. In order to maintain this momentum, this Court conducted an evidentiary hearing on the Report and Recommendations on November 19, 1992. At that hearing, the parties expressed their agreements and disagreements with specific portions of the Report, and they agreed upon a procedure for the remainder of these remedial proceedings.

Pursuant to that procedure, Defendants submitted a Revised Plan on November 25, 1992, in part to respond to the one-person, one-vote concerns raised by the Special Master's Report.<sup>2</sup> The Court herein will rule upon the legality, under the Constitution and the Voting Rights Act, of Defendants' Original Plan and Defendants' Revised Plan. Under the agreed upon procedure, if this Court rules against any portion of either of Defendants' Plans, the parties desire another brief period to submit an acceptable plan.

## II. LEGAL STANDARDS FOR EVALUATION OF REMEDIAL PLANS

After a court finds a violation of section 2 of the Voting Rights Act, the defendant government must ordinarily be given the

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<sup>2</sup> As explained below, the Revised Plan also makes certain changes, described by Defendants as "technical," to other aspects of their Original Plan.

opportunity to develop and submit to that court a new electoral plan. See Wise v. Lipscomb, 437 U.S. 535, 539 (1978). See also Connor v. Finch, 431 U.S. 407, 414-15 (1977); Chapman v. Meier, 420 U.S. 1, 27 (1975); Gaffney v. Cummings, 412 U.S. 735, 749 (1973); Burns v. Richardson, 384 U.S. 73, 84-85 (1966).

If the plan submitted by Defendants is deemed a "legislative plan," this Court should defer. See Wise, 437 U.S. at 539. Deference to a "legislative plan" does not, however, require this Court simply to accept either of Defendants' Plans as submitted. Instead, the Court must undertake an independent examination of the proposed Plans to ensure that they are free of constitutional and statutory infirmities. In particular, the Plans must comply with the "one-person, one-vote" requirement of the Equal Protection Clause of the Fourteenth Amendment.<sup>3</sup> Also, the proposed plan must completely remedy the dilution of minority voting strength; that is, the plan must fully correct the violation of section 2 that existed under the invalidated electoral scheme.<sup>4</sup> See, e.g., United States v. Dallas County

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3 The one-person, one-vote requirement mandates that election districts, as nearly as practicable, must have equal populations. See Board of Estimate v. Morris, 489 U.S. 688 (1989). It applies to all general purpose local governments (if they employ district-based elections), see id.; Avery v. Midland County, 390 U.S. 474 (1968), school districts, see Hadley v. Junior College Dist., 397 U.S. 50 (1970), and state legislative districts. See, e.g., Reynolds v. Sims, 377 U.S. 533 (1964). See generally M. David Gelfand, Symposium Overview - Voting Rights Developments: Academic Reflections and Practical Projections for the 1990s, 21 STETSON L.REV. 707 (1992).

4 Section 2 of the Voting Rights Act bars States or their political subdivisions from imposing or applying any "voting qualification or prerequisite to voting or standard, practice or

Commission, 850 F.2d 1433, 1437-38 (11th Cir. 1988), cert. denied, 490 U.S. 1030 (1989); Dillard v. Crenshaw County, 831 F.2d 246, 249 (11th Cir. 1987); Edge v. Sumter County School District, 775 F.2d 1509, 1510 (11th Cir. 1985).

Only if the proposed plan is free of these constitutional and statutory flaws, should this Court defer to the valid policy choices made by the local legislature. Indeed, if the proposed plan cannot be cured of those flaws, this Court would have to assume the "unwelcome obligation" of drafting a plan of its own. Connor v. Finch, 431 U.S. 407, 415 (1977). See also Ramos v. Koebig, 638 F.2d 838, 844 (5th Cir. Unit A Mar. 1981).

### III. THE PLANS

#### A. DEFENDANTS' PLANS

Both Defendants' Original Plan and their Revised Plan would create a three-level electoral system with a fourteen-member Board of Commissioners. The current Charter provides for a nine-member Board of Commissioners, all elected at-large. See Metropolitan Dade County Charter, [hereinafter "Charter"] Art. I, § 1.04.<sup>5</sup> Thus, the proposed Plan would increase the size of the Board by five commissioners.

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procedure . . . in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote." 42 U.S.C. § 1973(a). See generally Voting Rights Symposium, 21 STETSON L.REV. 707-869 (1992).

<sup>5</sup> Though the nine members are elected at-large, all but the "mayor" are required to run from designated residence districts.

The first electoral level of Defendants' Plans is a "weak legislative Mayor," who would be elected at-large. The other two levels are composed of a total of thirteen election districts: one level with four regions and another with nine smaller districts. Both of these levels contain single-member election districts, but each region is substantially larger (in population and area) than any of the nine single-member districts. The four regions in Defendants' Original Plan have populations ranging from 461,924 to 485,481 persons. (The original submission by Defendants stated that this population range, standing on its own, would produce a deviation of 6.93 percent.) The regions in their Revised Plan have a population range of 483,402 to 485,342. (Standing on its own, this range would produce a deviation of 0.40 percent). The nine single-member districts under both of Defendants' Plans range in population from 204,836 to 220,088 persons. (Standing on its own, population range produced a deviation of 7.09 percent.)

At the regional level, both of Defendants' Plans would create: one region with a Black voting age population [hereinafter "VAP"] majority (Region 2); one region with a non-Hispanic white (Anglo) VAP majority (Region 1); and two regions with an Hispanic VAP majority (Regions 3 and 4).<sup>6</sup> The nine

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<sup>6</sup> The following are the VAP figures for Defendant's four regions in their Original Plan, as calculated by Defendants and, thereafter, by the staff of the Florida Senate Committee on Reapportionment: Region 2 has a Black VAP of 60.4% according to Defendants, or 58.5% according to the Senate; Regions 3 and 4 have an Hispanic VAP of 73.6% and 70.7%, respectively. (The figures for Blacks given by Defendants and the Senate staff

single-member districts contain two Black majority districts (districts 2 and 4), three non-Hispanic white (Anglo) majority districts (districts 1, 3, and 9), and four Hispanic majority districts (districts 5, 6, 7, and 8).<sup>7</sup> Finally, Defendants have designated the at-large position as a non-Hispanic white (Anglo) seat in both of their Plans.

B. PLAINTIFFS' PLAN

Black Plaintiffs' Plan includes thirteen single-member districts, with a total population deviation of 9.72%. Their Plan contains three districts with a Black majority VAP (districts 1, 2, and 3) and seven districts with an Hispanic majority VAP (districts 5, 6, 7, 10, 11, 12, and 13).<sup>8</sup>

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differ, because Defendants count only non-Hispanic Blacks, whereas the Senate counts all Blacks.) These and other demographic figures for Defendants' Original Plan are taken from Appendices F and G of the Special Master's Report. The somewhat lower Black figures for Region 2 in Defendants' Revised Plan are reported in note 22 infra.

7 The Black VAP majorities for districts 2 and 4 of Defendants' Original Plan are 58.6% and 59.2%, respectively, as calculated by the Defendants and 61.4% and 62.5%, respectively, as calculated by the Senate staff. Districts 5, 6, 7, and 8 have Hispanic VAPs of 69.7%, 69.2%, 67.6%, and 64.6%, respectively. See Special Master's Report, Appendices F and G. The changes in the nine districts made by the Revised Plan do not alter the Black VAP in districts 2 and 4 or the Hispanic VAP of districts 5, 7 and 8, but they do reduce the Hispanic VAP and registration in district 6. Compare Defendants' Notice of Filing Revised Plan, Exhibit A with Special Master's Report, Appendix G.

8 As calculated on the County's system, Plaintiff's Black districts (districts 1, 2 and 3) have Black VAP majorities of 56.6%, 56.4%, and 56.3%, respectively. As calculated on the Senate system, the VAP figures are 59.8%, 58.7%, and 61.0%, respectively. See Special Master's Report, Appendices J and K. See note 6 supra (explaining the differences in classification of

Because Black Plaintiffs' Plan employs only one layer of single-member districts, it avoids the constitutional and statutory problems found in Defendants' multi-level Plan. See Parts IV.B and C, below. Yet, Black Plaintiffs' Plan, as it stands, cannot be adopted by this Court. First, the Black Plaintiffs' Plan increases the size of the Board. This Court has the broad remedial power to increase the size of the Commission if needed to provide a complete remedy, see South Carolina v. Katzenbach, 383 U.S. 301 (1966), Louisiana v. United States, 380 U.S. 145 (1965), but Courts should not exercise this discretion unless necessary. Furthermore, the 9.72% deviation in Black Plaintiffs' Plan would be too large for a court-made plan. Plaintiffs contend that their Plan could be modified to reduce the deviation and to respond to Defendants' objections. Before undertaking that modification, however, this Court must evaluate Defendants' Plan.

#### IV. APPLYING THE STANDARDS TO DEFENDANTS' PLAN

##### A. DEFENDANTS' ORIGINAL PLAN IS A LEGISLATIVE PLAN

Black Plaintiffs challenged Defendants' Original Plan, arguing that it cannot be considered a legislative plan, because

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Blacks under the two systems).

The VAP figures for Plaintiffs' Hispanic districts, as reported by both the County and the Senate systems, are as follows: 63.1% for district 5, 70.0% for district 6, 66.4% for district 7, 68.6% for district 10, 63.6% for district 11, 78.9% for district 12, and 78.8% for district 12. See Special Master's Report, Appendices J and K.

in adopting it, the Board violated the County Charter.<sup>9</sup> In support of their position, Black Plaintiffs advanced four arguments: first, the Plan was not enacted pursuant to the County Charter's provisions for changing district boundaries, see Charter Art. I, § 1.03(A), (B) & Art. II, § 2.06 (A); second, the Plan violates the Charter's provisions regarding the number of commissioners that may be on the Board, see id., Art. I, § 1.04; third, the Plan violates the Charter's provisions governing the method of amending the Charter, see id., Art. VIII, § 8.07; and finally, this 9-district/4-region/1-at-large electoral structure was rejected by Dade County voters in a referendum.

The Black Plaintiffs' analysis of the Charter's requirements is given due consideration. Nonetheless, Supreme Court precedent requires that the Court conclude that Defendants' Original Plan is "legislatively enacted" for purposes of this case. In McDaniel v. Sanchez, 452 U.S. 130 (1981), the Supreme Court accepted the expansive definition of "legislatively enacted" contained in Justice Powell's concurrence in Wise v. Lipscomb, 437 U.S. 535 (1978). The McDaniel Court explained: "the essential characteristic of a legislative plan is the exercise of legislative judgment. The fact that particular requirements of state law may not be satisfied before a plan is proposed to a federal court does not alter this essential characteristic." McDaniel, 452 U.S. at 152 (citing Wise, 437 U.S. at 547-49 (Powell, J., concurring)). Therefore, nearly any plan adopted by

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9 The Hispanic Plaintiffs did not join in this argument.

a legislative body will be considered a "legislatively enacted" plan for redistricting purposes, even if the local legislature lacked the authority to reapportion itself or failed to comply with state or local law in adopting the plan. See Wise, 437 U.S. at 544; Tallahassee Branch of NAACP v. Leon County, 827 F.2d 1436 (11th Cir. 1987), cert. denied, 499 U.S. 960 (1988). As noted in Part II, above, however, the Court still must evaluate the one-person, one-vote and section 2 implications of Defendants' Plans.

Special Master Gelfand, in his Report and Recommendation concluded that the at-large position in Defendants' Original Plan violates section 2. As explained below, this Court agrees. He further concluded that the regional districts violate both the one-person, one-vote requirement and section 2. As explained below, this Court agrees with him regarding both of these flaws in the four regions in Defendants' Original Plan.

The Special Master also concluded that Defendants' proposed nine districts would satisfy both the statutory and constitutional requirements if presented, standing on their own, as a legislative plan. As an alternative, however, he submitted a Modified County-9 Plan (which had nine single-member districts with less than a one percent deviation) that would be acceptable as a court-made plan. Under the procedure agreed upon by the parties at the November 19, 1992 Hearing, the Court will give Defendants an additional ten (10) days to submit an acceptable plan before the Court considers imposing the Special Master's Modified County-9 Plan.

B. AT-LARGE POSITION ("LEGISLATIVE MAYOR")

Both Hispanic Plaintiffs and Black Plaintiffs strongly object to the inclusion in Defendants' Plans of a "legislative mayor," to be separately elected on an at-large basis. This is by no means a new objection, as this case has always involved Plaintiffs' attacks upon the racially dilutive character of the current at-large electoral system for the Board of Commissioners. To retain such a dilutive at-large position in the local legislature would not, as Defendants are required to do, completely remedy the dilution of minority voting strength caused by the system recently invalidated by this Court. See Amended Final Judgment at 31, 54.

Defendants' at-large seat "is a legislative position," rather than executive one. See Notice of Filing Remedial Election Plan By County Defendants, at 2. They acknowledge that this proposed position carries important ceremonial powers -- presiding at Commission meetings, presenting a State of the County address, and serving as the one visible leader of the community. Moreover, Commissioner Penelas, the sponsor of the plan, testified that the legislative mayor would have the "very significant responsibility" of "setting the agenda and appointing committees of the commission, which as you know can block legislation or stop things from being debated in public, I think, is real power and it's significant." Transcript of Nov. 19, 1992 Hearing, at 44 (Penelas on direct). The Court finds these substantive powers to be comparable to those of a speaker or

majority leader of a legislative assembly. Therefore, this position, would carry significant legislative leadership powers.

Dillard v. Crenshaw County, 831 F.2d 246 (11th Cir. 1987), rejected a similar position. There, the Eleventh Circuit ruled that a proposed election plan would not completely remedy the section 2 violations because it included an at-large county "chairperson"--a position that would dilute the effectiveness of minority voting power. Id. at 252-3. Although the "chairperson" in Dillard was not given the power to vote on the commission, the court still was "not satisfied that the chairperson [would] be sufficiently uninfluential in the activities initiated and the decisions made by the commission proper." Id. at 253.

The Court, therefore, rules that the "legislative mayor" position under both County plans, if elected on an at-large basis, would dilute the voting strength of Dade County's minority groups in violation of Section 2. Legislative leadership on the Board of Commissioners can, instead, be obtained by: selection by the Board of one of the commissioners, rotation of the position, or the drawing of lots. See Dillard, 831 F.2d at 253.

If desired, executive leadership can be provided by other means.<sup>10</sup> Indeed, the Court notes that Dade County voters have adopted a Charter Amendment to create just such an executive mayor position, commencing in 1996. The parties, however, have not made that Charter amendment a part of this case. Therefore,

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<sup>10</sup> Both members of the public who filed written comments after the November 19 Hearing stressed the importance of separate executive leadership.

this Court's ruling regarding the "legislative mayor" should not be interpreted as a position, one way or the other, regarding the legitimacy of a plan that includes an executive mayor.

C. THE REGIONS

Both of Defendants' Plans contain four regional election districts, which, together, cover the entire area of the county. Each region includes approximately one quarter of the County's population and, therefore, is approximately 2.25 times more populous than a district. Nonetheless, Commissioners elected from the regions would serve on the Board with the same formal powers as district representatives. Everyone agrees that this is a novel electoral structure, because it includes representatives on the same board who are elected from radically different sized single-member districts (districts that have no apparent relationship to one another).<sup>11</sup> No reported opinions evaluate the section 2 and one-person, one-vote implications of such an unusual three-level local government election structure. Therefore, the parties and the Special Master have suggested various competing analogies for analyzing this unprecedented plan.

1. One-Person, One-Vote Issues

The Special Master devoted eight pages and three appendices to explaining his one-person, one-vote analysis of Defendants'

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<sup>11</sup> As a result, the regions are not "floterial districts." See note 20 infra.

Original Plan. Defendants responded at the November 19 Hearing with argument (consuming several pages in the transcript), the testimony of one of their two witnesses, and two exhibits. Though this issue is complex and interesting, it results in a dispute over how best to adapt, to the rather different facts of this case, a calculation that was found acceptable in Board of Estimate v. Morris, 489 U.S. 688 (1989). In fundamental terms, the Special Master employs a weighted addition, which combines the deviation of the districts and the deviation of the regions, while Defendants prefer a mere weighted average.

For several reasons, the Court concurs with the Special Master. First, Morris did not mandate one single method of calculation for all two-level election systems; it simply accepted what appears to be the component method "for this case" because it arrived at a mathematical result agreed upon by the parties. See 489 U.S. at 701-02. Second, the facts of this case differ significantly from those of Morris. Specifically, Morris dealt with the one-person, one-vote deviation calculation for New York City's Board of Estimate. That Board consisted of three at-large members (each with 2 votes) and five Borough Presidents (each with one vote). When the six at-large votes were allocated proportionately among the boroughs, the parties agreed that the deviation would be reduced from 132 percent to 78 percent (a figure that was still unacceptable). 489 U.S. at 701-03. Thus, Morris would be helpful in calculating the deviation for a plan that involved only an at-large position and several single-member

districts. Morris does not, however, dictate a methodology for calculating the deviation in the current situation -- representatives elected from two subcounty layers of single-member districts, (with each layer having its own deviation and with all representatives serving on the same board). A comparable situation would have arisen only if New York's Board of Estimate included the at-large members, the Borough Presidents (regional representatives), and persons elected for city council districts. As the Supreme Court was not confronted with a novel structure like the one before the Court, it did not dictate any one approach to be used for calculating the one-person, one-vote deviation. Morris did, however, provide some guidance, which the Court believes the Special Master correctly applied to the instant facts.

The crucial fact is that the malapportionment in two layers of electoral districts in Defendants' Original Plan creates an unfair dual benefit and a dual harm. That is, a person who lives in both Region 1 (the most populous region) and district 9 (the most populous district) unfairly suffers a dual underrepresentation, while a person living in both Region 2 (the least populous region) and district 2 (the least populous district) unfairly receives dual overrepresentation. Therefore, the deviation in the regions exacerbates the deviation in the districts. Under the Special Master's approach,<sup>12</sup> the Court

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<sup>12</sup> His approach is described in pages 14-20 and Appendices A-C of his Report. This Court adopts those pages by reference.

finds that the deviation for Defendants' original regions and districts (without the at-large position) exceeds 13.9 percent. Further, this Court concludes that such a deviation is too great for a local government electoral system.<sup>13</sup>

However, little turns on this finding and conclusion regarding Defendants' Original Plan, because Defendants (in anticipation of this ruling) submitted a Revised Plan on November 25, 1992. That Revised Plan includes four regions with slightly different boundaries, as well as three changes in the boundaries of the districts.<sup>14</sup> The four regions in this Revised Plan (if standing on their own) would have a deviation of only 0.40 percent. Under Defendants' methodology, this would produce an overall Plan deviation of 5.07 percent (now that the at-large position has been held invalid). Under the Special Master's methodology, the deviation would be 5.47 percent (using his Appendix A approach) or 5.56 percent (using his preferred Appendix C approach). Therefore, the Revised Plan presents no

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13 One-person, one-vote litigation focuses upon the most underrepresented and most overrepresented areas. Therefore, only these extreme cases need be considered for this purpose. See Connor v. Finch, 431 U.S. 407, 416-18 (1977).

14 Defendants also characterize the Revised Plan as a "legislative plan," entitled to judicial deference. As some of these changes from Defendants' Original Plan seem to be more than technical, the Revised Plan should be approved by the Board of Commissioners before it can be considered "legislative." The Court assumes, however, that approval could have been obtained and was not simply because of the tight time frame under which everyone is operating in this case. In any event, questions about the Revised Plan's adoption appear to be moot in light of Part IV(C)(2) of this Memorandum Opinion.

one-person, one-vote problem; however, the section 2 issues still must be addressed.

2. Voting Rights Act Issues

A violation of section 2 is established where "it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation, . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 42 U.S.C. § 1973(b). The Special Master concluded that the four regions in Defendants' Original Plan would violate section 2. Based on the Court's own review of the Record, this Court adopts pages 22-27 of his Report by reference (with respect to Defendants' Original Plan), and further rules that the regions in Defendants' Revised Plan would also violate section 2.

a. Barriers Created By These Regions

The four regions in both Defendants' Original Plan and their Revised Plan would create a section 2 violation because if implemented, they would result in less opportunity for minorities to elect representatives of their choice, for the same reasons that this Court has found that the current at-large positions in Dade County dilute minority votes. See Amended Final Judgment at 31, 44, 56 (usually large size and expense of campaigns); Part IV(B), above (ruling that the at-large legislative mayor position would violate section 2). The Court finds that the four regions are very large both geographically and in terms of their

population. For example, Region 1 runs from the extreme north of Dade County all the way to the Monroe County line in the south, a distance of approximately seventy (70) miles. This is approximately the distance between Miami and West Palm Beach. This region by itself would cover the state of Rhode Island and extend nearly the full north-south length of Delaware. In terms of population, the regions average 484,273 persons. Therefore, the average region is 2.25 times larger than the average district in Defendants' Plans, and 3.25 times larger than the average district in Plaintiffs' proposed Plan.

The size of Defendants' proposed four regions significantly increases the cost of campaigning. As demonstrated at trial, minorities in Dade County are economically disadvantaged compared to non-Hispanic whites and, therefore, they would be disproportionately affected by the cost of campaigning in such populous and geographically large districts. See Amended Final Judgment at 44.

Dr. Christopher Warren, whom this Court finds to be a credible expert witness testified: "I think it is accepted among political scientists ... [that] economic success is an important political resource." Not only do Dade County Blacks and Hispanics generally lack this economic advantage, but both of these groups also face additional difficulties in raising campaign funds.

Several political commentators agree that "campaign finance in the localities probably relies to an unusual extent on very

interested money....[This includes] real estate owners and developers, contractors with the city and county, downtown commercial interests, and organized labor...." FRANK J. SORAUF, MONEY IN AMERICAN ELECTIONS 293 (1988). The same certainly is true in Dade County. Dr. Warren and others explained that the primary sources of campaign funding in Dade County are large business interests and development interests, whose owners are predominantly non-Hispanic whites. This and other testimony at trial demonstrated that these institutions contribute primarily to incumbent Commissioners. They would only contribute to minority candidates whom they felt would support white interests. See generally GARY JACOBSON, THE POLITICS OF CONGRESSIONAL ELECTIONS 83-85 (1992) (on the cost and effectiveness of different styles of campaigning in large districts and the amounts and sources of the money needed for such campaigns).

A number of witnesses credibly testified that the adverse effects of the depressed economic position of Dade County Blacks and Hispanics would be mitigated by developing an electoral plan with smaller, single-member districts. By reducing the population and area over which a campaign must be run, the costs of campaigning can be reduced. Dr. Warren, Mayor Suarez, and Jeb Bush testified that district elections would permit resources to be concentrated in a small geographic area, making door-to-door canvassing a possible tool. Even the Defendants' expert, Dr. Moon, admitted on cross examination that campaigns in single-member districts would cost less than at-large campaigns.

One way to illustrate their testimony is to consider the number of votes needed in order to win in different sized districts in Dade County. Employing the turnout figures for the 1990 Commission elections, derived from the relevant table in Appendix F of the Special Master's Report, winning in an average region would have required 18,404 votes in the primary<sup>15</sup> and 14,724 in the runoff<sup>16</sup> -- obviously a prohibitive number to contact personally. By contrast, only 8,180 votes would have been necessary to win in the primary<sup>17</sup> and 6,544 to win in the runoff in the average district.<sup>18</sup> Clearly, a door-to-door or other direct personal contact campaign could be viable with these numbers. If there had been thirteen districts, only 5,663 votes would have been necessary to win the primary and 4,530 to win in the runoff, making a cheaper grassroots campaign even more feasible. See generally JACOBSON, supra (describing the extreme difficulties faced by challengers in congressional-sized districts). Therefore, the exorbitant expense of campaigning in

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15 This is the votes per seat in the primary (147,232) divided by the number of regions (4), times 50 percent. (Votes per seat can be calculated by summing all the primary election votes for the contested at-large seats listed in Appendix F, and dividing by the number of seats.)

16 This is the votes per seat in the runoff (117,792) divided by the number of regions (4), times 50 percent.

17 This is the votes per seat in the primary (147,232) divided by the number of districts (9), times 50 percent.

18 This is the votes per seat in the runoff (117,792) divided by the number of districts (9), times 50 percent.

both at-large and regional districts would reduce the ability of minorities to elect candidates of their choice.

Defendants contend that the dilutive effects of at-large electoral systems should not be attributed to their proposed regional system. However, based upon the considerable factual information and evidence adduced during and after trial, described above, this Court finds that the proposed regions are so large that they would dilute minority votes in Dade County. This local appraisal is consistent with the substantial case law on this subject, most of which involved much smaller at-large areas or districts, and little of which exhibited the extreme polarization of Dade County. See, e.g., Hall v. Holder, 955 F.2d 1563, 1565 (11th Cir. 1992) (at-large district with population of 10,767 invalid), cert. filed, 60 U.S.L.W. 3881 (June 16, 1992) (No. 91-2012); Westwego Citizens for Better Government v. City of Westwego, 946 F.2d 1109, 1112 (5th Cir. 1991) (at-large elections for population of 11,218 invalid); United States v. Dallas County Comm'n, 850 F.2d 1433, 1438 (11th Cir. 1988), cert. denied, 490 U.S. 1030 (1989) (rejecting at-large position in county with population of 53,981); Gomez v. City of Watsonville, 863 F.2d 1407, 1409 (9th Cir. 1988) (at-large elections for populations of 23,543 invalid), cert. denied, 489 U.S. 1080 (1989).

b. Defendants' Attempted Justifications

Despite their efforts, Defendants ultimately do not to provide any legitimate justification for the regional districts.

Defendants attempt to justify the regions based upon the same arguments commonly advanced to support at-large elections, e.g. the interest in providing a "county-wide" or "regional" perspective. See Notice of Filing Remedial Plan by Defendants, at 6-7. However, this is not a sufficient ground for upholding even an at-large position. See Williams v. City of Dallas, 734 F.Supp. 1317, 1383-86, 1409-10 (N.D. Tex. 1990).<sup>19</sup> Furthermore, any "regional perspective" they might provide would be illusory, because these four regions are purely artificial creations. They are not based primarily upon natural geographic boundaries. Nor do they build upon the nine single-member districts.<sup>20</sup> See Special Master's Report, Appendix E and Court Exhibit 1 (showing the lack of overlap between the districts and the regions in Defendants' original Plan);<sup>21</sup> Defendants' Overlay Map (showing

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19 The Williams Court also threw out "with great force" Defendants' second attempted justification -- that providing more than one layer of election districts positions increases representation by giving voters two people to call. Williams, 734 F.Supp. at 1385. The court found that Dallas voters already had more than one person to call, because they could, in addition to calling their Council representative, also contact the City Manager, the relevant department, or a Council member for another district. Id. This same reasoning applies to Dade County.

20 For this reason, the regions cannot be considered the more familiar "flotal districts." A flotal election district is "a legislative district which includes within its boundaries several separate districts or political subdivisions which independently would not be entitled to additional representation but whose conglomerate population entitles the entire area to another seat in the particular legislative body being apportioned." Davis v. Mann, 377 U.S. 678, 686 n.2 (1964).

21 The Special Master submitted four large maps, labeled as Court Exhibits 1-4, which became part of the Record at the November 19 Hearing.

the same lack of overlap for districts and regions in their Revised Plan).

This Court also finds that the regions cannot be said to reflect the two-tiered governmental system created by and contemplated in the Dade County Charter. See Charter § 5.02. See generally Lawrence Leiken, Governmental Schemes for the Metropolis and the Implementation of Metropolitan Change, 49 J. URB. L. 667, 674-75, 682-85 (1972); EDWARD SOFEN, THE MIAMI METROPOLITAN EXPERIMENT (1963). Indeed, the sponsor of this three-level county electoral system testified that he was not even aware of the original goals of the Miami-Dade Metro Government, explaining that they were established before he was born. Therefore, it is not surprising that the regional boundaries do not follow municipal boundaries. See Special Master's Report, Appendix R (showing that Defendants' Original Plan split both Coral Gables and Miami among Regions 1, 2, and 4); Maps of Defendants' Revised regions (similarly splitting these and other cities). Hence, the regions cannot be justified as a mechanism for representing municipal interests.

Perhaps these numerous violations of natural, municipal, and district boundaries could be justified if they were necessary to achieve a fair distribution of districts among Dade County's Hispanics, Blacks, and whites. Indeed, Defendants' are quick to point out that their four regions are ethnically balanced.<sup>22</sup>

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<sup>22</sup> Defendants' Revised Plan, in responding to the one-person, one-vote problems of the Original Plan, created a new Region 2 with a somewhat lower Black population than Region 2 in the Original

That alone, however, is not enough to completely remedy the section 2 violation. A plaintiff could not win a voting rights case simply by showing that districts in a city's (or county's) electoral system were not ethnically balanced. See Voting Rights Act, section 2 (proviso). Similarly, defendants cannot completely remedy a section 2 violation simply by drawing ethnically balanced districts. Information about election campaigns and patterns, as well as the other aspects of the totality of the circumstances must also be considered. See, e.g., Solomon v. Liberty County, 899 F.2d 1012 (11th Cir. 1990) (en banc), cert. denied, 111 S.Ct. 670 (1991). See generally Vincent R. Fontana, Section 2 Case: Defendants' Perspective, 21 STETSON L.REV. 771 (1992); Bernard Grofman, An Expert Witness Perspective on Continuing and Emerging Voting Rights Controversies: From One Person, One Vote to Partisan Gerrymandering, 21 STETSON L.REV. 783. In particular, in this case, such a complete analysis involves consideration of the potential barriers presented by unusually large districts, staggered terms,<sup>23</sup> and campaign finance and advertising burdens.

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Original Plan. Specifically, the total population has dropped from a 60.4 percent Black majority in the Original Plan to 59.3 percent in the Revised Plan. The Black VAP for Region 2 has dropped from 56.0 percent in the Original Plan to 54.6 percent in the Revised Plan. Compare Special Master's Report, Appendix G (table showing figures for Original Plan) with Defendants' Notice of Filing Revised Legislative Plan, Exhibit A (table showing figures for Revised Plan).

23 Defendants have announced that their proposed three-level electoral system would have staggered terms, as does the current system, but they have not yet specified how the elections will be staggered. As Plaintiffs have raised objections to staggering,

As noted above, the Court finds that these barriers and problems are likely to be replicated in Defendants' unusually large regions.

In addition, these overly large regions, with all the campaign difficulties they create, are not necessary for ethnic balance. The Court hereby finds, that racial fairness can be achieved with a nine single-member district plan, as shown by that portion of Defendants' Plans, or with a thirteen single-member-district plan. In fact, unlike many other localities, Dade County lends itself to much smaller minority districts, because both Hispanic and Black populations are highly concentrated in particular neighborhoods. See Court Exhibits 2 and 3.

In an attempt to support their argument that once proportionality is achieved, the addition of at-large seats has no deleterious effect, Defendants give an overly broad reading to Jenkins v. City of Pensacola, 638 F.2d 1249, 1255 (5th Cir. 1981). First, the Jenkins Court expressly noted that the plan it approved would be in place for only a short time; it would be superseded once the 1980 census figures were published. Id. Second, the Court added in a footnote that Pensacola had been placed under § 3 of Voting Rights Act for 5 years, with the result that any reapportionment plan submitted during that period would be subject to court supervision. Id. n.18. Furthermore,

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Defendants must articulate the staggering pattern before this Court can provide a final evaluation of their Plan.

the Jenkins court was not confronted with a challenged portion of a plan which in itself diluted minority voting strengths.

Defendants further argue that two of their four regions were based upon Congressional districts adopted in the DeGrandy case. As Special Master Gelfand (who originally drew those districts) explained, those two Congressional districts were drawn as part of a state-wide plan, and they were required (under the one-person, one-vote mandate and Congress' national reapportionment) to be of a certain size, so they would have the same population as Florida's other twenty-one Congressional districts. See Special Master's Report at 26-27; DeGrandy, 794 F.Supp. at 1084.<sup>24</sup> Neither law nor demographics mandate such large-sized districts for Dade County's local elections. Furthermore, non-partisan candidates for county office will not have access to the same campaign resources as partisan candidates for the United States Congress. See generally JACOBSON, supra.

Therefore, based upon the extensive evidence in this case, this Court finds that these unnecessarily oversized regions would make campaigning too expensive and more difficult for minority candidates in Dade County, as they generally have fewer resources than non-minority candidates.<sup>25</sup> Defendants' three-level plan

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24 Furthermore, the regions in the revised Plan are no longer similar to the boundaries of the congressional districts, though they do contain nearly as many persons.

25 This finding is based upon the special geography, demographic patterns, and electoral history of Dade County (as revealed in this case's Record). Of course, under other facts, regional or floterial districts might be necessary or appropriate in order to provide minority representation; indeed, they might

departs substantially from any previous electoral systems employed under the Dade County Charter. Defendants have cited no features unique to Dade County which make such an unusual approach necessary. In fact, the County's unique historic, geographic, and demographic features counsel in the opposite direction.

#### V. CONCLUSION

Defendants' proposed three-level plan, when taken as a whole, is not a complete remedy for the section 2 violation found by this Court. It is, therefore, ORDERED AND ADJUDGED that both their Original Plan and their Revised Plan violate section 2, because they include an at-large legislative position and four regional election districts.

Fortunately, under the procedure agreed upon at the November 19, 1992 Hearing, this Court might not have to assume the "unwelcome obligation" of creating its own plan. Pursuant to that procedure, it is ORDERED AND ADJUDGED that Defendants have ten (10) days from the entry of this Order to submit an acceptable (preferably an agreed upon) plan without the aforementioned section 2 problems referred to in this memorandum opinion. That plan should include complete block and tract assignments, as well as a contiguity savings clause. During this process, the Court suggests that Defendants also give consideration to the policy concerns raised by Commissioner Teele

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be the only available option. Those are not the facts before us today.

(keeping redevelopment areas of Miami within a single district), Commissioner Hawkins (maintaining communities of interest), and members of the public, in their separate written comments to this Court.

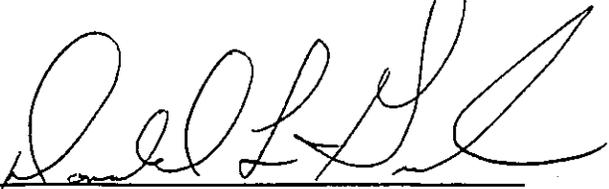
In order to hold the primary election on the date agreed upon by the parties, February 16, 1993, it will be necessary to shorten the notice and qualifying periods specified in the Charter. See Special Master's Report, at 3-4 nn.4-7. As this may be especially delicate with the upcoming religious and legal holidays, the Court requests that the parties attempt to agree upon a reasonable schedule for the notices and the qualifying period in December (or early January, if necessary). The Court will instruct the Supervisor of Elections to give notice as necessary.

If Defendants are unable to design such a legislative plan, without statutory or constitutional flaws, the Court will unfortunately assume the unwelcome obligation of imposing a court-ordered plan.

This Court has refrained from implementing a court-made plan at this time, even though continuing to defer to the County may result in some further delay, because the parties have assured the Court that they may be able to arrive at a reasonable and fair legislative plan. It is extremely important that Dade County elections be held in a timely fashion and that all candidates have sufficient time to campaign, but it is equally

important to have a good, fair plan that Dade County voters can hopefully live with for years to come.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 9<sup>th</sup> day of December 1992.

  
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DONALD L. GRAHAM  
UNITED STATES DISTRICT JUDGE

cc: All counsel of Record

**Miami-Dade County**  
**Office of Management and Budget**  
**Legislative Body Information for Selected Florida Charter Counties**

*The contents herein are based on available governing documents such as county charters and codes of ordinances.  
 Contents are summary in nature and not comprehensive.*

**Council/Manager** form of government: Commission appoints a County Manager to handle administrative matters. Mayors or Board Chairs are appointed by the Commission.

**Strong Mayor** form of government: Mayor is elected countywide, acts as the chief executive officer, and appoints and removes department heads.

Jurisdiction	Form of Government	Board Structure	
		Number of Members and Form of Representation	Term Limits
Miami-Dade County	Strong Mayor	13 Commissioners <ul style="list-style-type: none"> <li>• Single member districts</li> </ul>	2 consecutive 4-year terms
Broward County	Council/Manager	9 Commissioners <ul style="list-style-type: none"> <li>• Single member districts</li> </ul>	3 consecutive 4-year terms
Palm Beach County	Council/Manager	7 Commissioners <ul style="list-style-type: none"> <li>• Single member districts</li> </ul>	2 consecutive 4-year terms
Jacksonville-Duval County (consolidated city-county)	Strong Mayor	19 Council Members <ul style="list-style-type: none"> <li>• 14 representing single-member districts and 5 elected at-large</li> </ul>	2 consecutive 4-year terms
Lee County	Council/Manager	5 Commissioners <ul style="list-style-type: none"> <li>• Single member districts</li> </ul>	2 consecutive 4-year terms
Polk County	Council/Manager	5 Commissioners <ul style="list-style-type: none"> <li>• At large districts</li> </ul>	3 consecutive 4-year terms
Brevard County	Council/Manager	5 Commissioners <ul style="list-style-type: none"> <li>• Single member districts</li> </ul>	2 consecutive 4-year terms

Jurisdiction	Form of Government	Board Structure	
		Number of Members and Form of Representation	Term Limits
Orange County	<p>Strong Mayor</p> <ul style="list-style-type: none"> <li>Elected countywide and sits on the board as a voting member and serves as board chair</li> <li>County Administrator serves at the pleasure of the Mayor</li> </ul>	<p>6 Commissioners (excluding Mayor)</p> <ul style="list-style-type: none"> <li>Single member districts</li> <li>County Mayor is board chair and is a voting member of the board</li> </ul>	2 consecutive 4-year terms
Hillsborough County	Council/Manager	<p>7 Commissioners</p> <ul style="list-style-type: none"> <li>4 Single member districts</li> <li>3 At large members</li> </ul>	<p>2 consecutive 4-year terms* in the same type of seat (i.e. single member district vs. at large)</p> <p>*Following the decennial census, terms for single member districts are 2 years.</p>
Seminole County	Council/Manager	<p>5 Commissioners</p> <ul style="list-style-type: none"> <li>Single member districts</li> </ul>	4-year term; no term limits
Pinellas County	Council/Manager	<p>7 Commissioners</p> <ul style="list-style-type: none"> <li>4 Single member districts</li> <li>3 At large members</li> </ul>	3 consecutive 4-year terms

<b>Prior Election Results Regarding Salary Amendments</b>			
<b>Election</b>	<b>Charter Amendment Question</b>	<b>Total Ballots Cast</b>	<b>Percent</b>
<b>1/31/12</b>	Devote full-time service to the office of Commissioner and hold no other employment; No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state formula, adjusted annually (currently approximately \$92, 097); and Serve no more than two consecutive four-year terms in office excluding all terms of service prior to 2012?	Yes- 70,918 <b>No- 83,601</b>	Yes- 45.90% <b>No- 54.10%</b>
<b>5/24/11</b>	Devote full-time service to the office of Commissioner and hold no other employment; No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the county's population (currently approximately \$92, 097); and Serve no more than three consecutive four-year terms in office excluding all terms prior to 2012?	Yes- 52,950 <b>No- 129,554</b>	Yes- 29.01% <b>No- 70.99%</b>
<b>11/4/08</b>	Devote full-time service to the office of Commissioner and hold no other employment; and No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the county's population (currently approximately \$91, 995), used by other Florida counties, including Broward County?	Yes- 336,273 <b>No- 357,515</b>	Yes- 48% <b>No- 52%</b>
<b>9/5/06</b>	Shall the Charter be amended to provide that County Commissioners no longer receive the \$6,000 annual salary established in 1957, but shall receive instead the population based salary provided by State statutory formula (currently approximately \$88,919) and used by other Florida counties, including Broward County?	<b>Yes- 65,150</b> No- 90,424	<b>Yes- 42%</b> No- 58%
<b>8/31/04</b>	In an effort to encourage more persons who are dedicated to good government to run for office, shall County Commissioners no longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by a State statutory formula based on population used by other Florida	Yes- 125,634 <b>No- 131,162</b>	Yes- 49% <b>No- 51%</b>

	counties, including Broward County (currently approximately \$84,213), and Commencing with the election of County Commissioners in 2006, shall Commissioners be limited to four consecutive four-year terms?		
<b>9/10/02</b>	Shall the Charter be amended so that county commissioners no longer receive the \$6,000 annual salary established in 1957, and they commence receiving as of the effective date of this amendment, the salary provided by a state formula based on population used by other Florida counties, including Broward County (currently approximately \$80,500)?	Yes- 121,997 <b>No- 147,891</b>	Yes- 45% <b>No- 55%</b>
<b>5/8/90</b>	Shall the Charter be revised to – Increase Commission salaries to statutory amount for non-charter county commissioners (currently approximately \$51,600)?	Yes- 22,867 <b>No- 82,214</b>	Yes- 22% <b>No- 78%</b>
<b>3/11/80</b>	Shall Section 1.06 of the Home Rule Charter be amended to provide that the Mayor and County Commissioners receive a salary of \$12,000 per year instead of the current \$6,000 per year?	Yes- 68,029 <b>No- 113,171</b>	Yes- 38% <b>No- 62%</b>
<b>3/9/76</b>	Shall the Charter be amended to provide annual salaries for the Mayor and County Commissioners, in accordance with State Law instead of \$6,000 per year?	Yes- 43,706 <b>No- 206,693</b>	Yes- 17% <b>No- 83%</b>
<b>3/14/72</b>	A Full Time Strong Mayor with a minimum salary of \$40,000, a Full Time Vice-Mayor with a salary of \$12,000, a Chairman of the Board of County Commissioners with a salary of \$14,000 and Commissioners with a Salary of \$10,000.	<b>Yes-66,998</b> No- 144,274	<b>Yes- 32%</b> No- 68%
<b>11/7/67</b>	Whether Section 1.06 of the Home Rule Charter shall be amended to provide that after June 10, 1968, each member of the Board of County Commissioners shall receive, in addition to the \$6,000 annual salary, \$50 for each day's attendance at official board meetings, such per diem payments not to exceed \$9,000 annually for each member of the Commission?	Yes-17,034 <b>No- 46,248</b>	Yes- 36% <b>No- 64%</b>
<b>11/5/63</b>	Amendment to Section 1.06 of The Home Rule Charter to provide a salary of \$15,000 for the Mayor and a salary of \$10,000 for other County Commissioners.	Yes- 47,010 <b>No- 76,645</b>	Yes- 38% <b>No- 62%</b>
<b>10/17/61</b>	Shall the Home Rule Charter of Government for Dade County, Florida be amended by adoption of an	Yes- 97,170 <b>No- 105,097</b>	Yes- 48% <b>No- 52%</b>

	amended Charter, which limits and redefines the powers of the County Commission, reduces the number of County Commissioners to five, fixes Commissioner's salaries at \$15,000 per annum, provides such revised Charter shall become effective immediately upon adoption, prescribes method by which such revised Charter may be abolished and contains other provisions as set forth in the initiatory petitions on file with Clerk of the County Commission?		
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**Salaries of  
Elected County Constitutional Officers  
and School District Officials  
for Fiscal Year 2024-25**

**October 2024**

**The Florida Legislature's  
Office of Economic and Demographic Research**





## Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2024-25

### Summary:

The practice of determining the compensation of Florida's county constitutional officers by state law was sanctioned by the Constitution of 1885 and has been maintained since the 1968 constitutional revision.<sup>1</sup> However, it was not until 1973 that the Legislature authorized the salary compensation formula that was the precursor to its present form.<sup>2</sup> Prior to that legislation, the authorization of changes to county officers' compensation required frequent legislative action. A summary of these historical constitutional provisions and general law amendments can be found in this report's appendix.

In expressing its intent, the Legislature determined that a uniform salary law was needed to replace the previous local law method of determining compensation, which was haphazard, preferential, inequitable, and probably unconstitutional.<sup>3</sup> In addition, the Legislature intended to provide for uniform compensation of county officers having substantially equal duties and responsibilities and basing these uniform salary schedules on countywide population. Furthermore, in acknowledging the Legislature's stated intent for uniformity, Florida's Attorney General opined in 2008 that a sheriff could not voluntarily reduce his or her salary below that established by law.<sup>4</sup> However, in 2009, the Legislature authorized district school board members and elected school superintendents to reduce their salaries on a voluntary basis.<sup>5</sup> Furthermore, in 2011, the Legislature authorized county commissioners, clerks of circuit court, county comptrollers, sheriffs, supervisors of elections, property appraisers, and tax collectors to voluntarily reduce their salaries.<sup>6</sup>

The statutory salary provisions 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 as provided in Chapter 67-1320, L.O.F., (i.e., Duval County).<sup>7</sup> The adoption of a charter provides the county's electors with a mechanism to fundamentally alter the form of county government and the status of constitutional officers.<sup>8</sup> Salaries have been computed for all officers of charter counties and are provided for reference purposes even though the statutorily-calculated figures may not be applicable.

The current salary formula methodology specifies that the latest official population census counts or intercensal estimates for the years between decennial censuses serve as a major component of the salary computation. In addition to the population figures, the salary formula contains five other components. The *base salary* and *group rate* components for the separate officers are specified in various sections of Chapter 145, F.S., for elected county officers and Chapter 1001, F.S., for elected school district officials.<sup>9</sup> The *initial*

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1. Section 5, Art. II, State Constitution.

2. Chapter 73-173, L.O.F.

3. Section 145.011, F.S.

4. Florida Attorney General Opinion 2008-28 available at <https://www.myfloridalegal.com/ag-opinions>.

5. Chapters 2009-3 and 2009-59, L.O.F.

6. Chapter 2011-158, L.O.F.

7. Section 145.012, F.S.

8. According to the Florida Association of Counties, Florida's charter counties and their respective year of charter adoption are as follows: Alachua (1987), Brevard (1994), Broward (1975), Charlotte (1986), Clay (1991), Columbia (2002), Duval (1968), Hillsborough (1983), Lee (1996), Leon (2002), Miami-Dade (1957), Orange (1987), Osceola (1992), Palm Beach (1985), Pinellas (1980), Polk (1998), Sarasota (1971), Seminole (1989), Volusia (1971) and Wakulla (2008) available at <https://www.fl-counties.com/index.php/charter-county-information>.

9. Sections 145.031, 145.051, 145.071, 145.09, 145.10, 145.11, 1001.395, 1001.47, F.S.

*factor* component is currently set in law as a constant numerical value.<sup>10</sup> The Florida Department of Management Services (DMS) annually certifies the remaining two components, the *annual factor* and *cumulative annual factor*, used in the salary formula calculations.<sup>11</sup> Historically, this annual certification has occurred in late summer usually during the month of September.<sup>12</sup>

Prior to 1984, the Florida Department of Community Affairs calculated salaries for county constitutional officers; however, that authority was deleted from law during the 1984 legislative session.<sup>13</sup> From 1985 through 2009, the former Legislative Committee on Intergovernmental Relations continued the annual salary calculations for county constitutional officers and elected school officials as a service to governmental units. Since 2010, the Legislature's Office of Economic and Demographic Research (EDR) has made the annual calculations. Since EDR is not required by law to perform these calculations, county government and school district officials are encouraged to independently verify the salaries of their respective elected officials.

**General Law Amendments Affecting Elected County and School District Officers' Compensation:**

Chapter 2024-86, L.O.F., amended s. 145.071, F.S., to increase the base salaries of county sheriffs by \$5,000 across all population groups, effective July 1, 2024. Chapter 2024-90, L.O.F., amended ss. 145.11 and 1001.47, F.S., to increase the base salaries of county tax collectors and elected district school superintendents, respectively, by \$5,000 across all population groups, effective July 1, 2024.

**Definition of Terms Relevant to the Current Statutory Formula:**

*Population* means the latest annual determination of population of local governments produced by EDR and provided to the Governor's Office in accordance with s. 186.901, F.S.<sup>14</sup> For the years between decennial censuses, the University of Florida's Bureau of Economic and Business Research (BEBR) generates annual population estimates for local governments, in accordance with a contract administered by EDR.

*Salary* means the total annual compensation, payable under the schedules set forth in Chapter 145, F.S., to be paid to an officer as personal income.<sup>15</sup>

*Annual Factor* means 1 plus the lesser of either: 1) the average percentage increase in the salaries of state career service employees for the current fiscal year as determined by the DMS or as provided in the General Appropriations Act; or 2) 7 percent.<sup>16</sup>

*Cumulative Annual Factor* means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.<sup>17</sup>

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10. Section 145.19(1)(c), F.S.

11. Section 145.19(2), F.S.

12. The letter from the Department of Management Services' Division of State Human Resource Management, which certified the annual factor and cumulative annual factor for the 2024-25 fiscal year, was dated September 25, 2024. (Letter on file with EDR.)

13. Chapter 84-241, L.O.F.

14. Section 145.021(1), F.S.

15. Section 145.021(2), F.S.

16. Section 145.19(1)(a), F.S.

17. Section 145.19(1)(b), F.S.

*Initial Factor* means a factor of 1.292, which is the product, rounded to the nearest thousandth, of an earlier cost-of-living increase factor authorized by Chapter 73-173, L.O.F., and intended by the Legislature to be preserved in adjustments to salaries made prior to the enactment of Chapter 76-80, L.O.F., multiplied by the annual increase factor authorized by Chapter 79-327, L.O.F.<sup>18</sup>

**Salary Computation Methodology:**

STEP 1 of the salary computation involves the determination of the relevant population group number for the elected officer based on the countywide population. **Table 1** lists the official 2023 county population estimates used to compute the 2024-25 salaries. **These estimates were used because they reflect the latest annual determination of population of local governments produced by EDR and provided to the Governor’s Office in accordance with s. 186.901, F.S.**

Two sets of countywide population ranges are used to determine the salaries of the elected officers. One set applies to the clerk of circuit court, county comptroller (if applicable), tax collector, property appraiser, supervisor of elections, sheriff, and school superintendent. The second set applies only to county commissioners and school board members. Each population range has an assigned population group number.

STEP 2 of the salary computation involves the determination of the relevant base salary and group rate that corresponds to the population group number determined in the first step. **Table 2** displays the applicable sets of population ranges, base salaries, and group rates, which correspond to each population group number.

STEP 3 involves computing the salaries of elected county officers using the following formula.

$$\text{Salary} = [ \text{Base Salary} + ( \text{Population Above Group Minimum} \times \text{Group Rate} ) ] \times \\ \text{Initial Factor} \times \text{Certified Annual Factor} \times \text{Certified Cumulative Annual Factor}$$

**Sample Computation of Salary:**

Alachua County’s Clerk of Circuit Court, Property Appraiser, and Supervisor of Elections

2023 Countywide Population Estimate:	293,040
Group Number (IV) Minimum:	200,000
Corresponding Base Salary (i.e., Group IV):	\$30,175
Corresponding Group Rate (i.e., Group IV):	0.01575
Initial Factor:	1.292
Certified Annual Factor:	1.0301
Certified Cumulative Annual Factor:	4.1336

$$\text{Salary} = [\$30,175 + [(293,040 - 200,000) \times 0.01575] ] \times 1.292 \times 1.0301 \times 4.1336 = \$174,065$$

**Salaries of Elected County Constitutional Officers:**

**Table 3** displays the salaries for the county constitutional officers calculated pursuant to the statutory formula. As previously mentioned, these salaries apply to all designated officers in all counties, except

18. Section 145.19(1)(c), F.S.

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 as provided in Chapter 67-1320, L.O.F., (i.e., Duval County). The formula-based salaries of supervisors of elections are based upon a five-day workweek; however, if a supervisor does not keep his or her office open five days per week then the salary is prorated accordingly.<sup>19</sup> EDR's calculation of each supervisor of elections' salary is based on the assumption of a five-day workweek and does not reflect any applicable pro rata reduction. Each elected county constitutional officer may reduce his or her salary rate on a voluntary basis; however, the salary figures published in this report do not reflect any such voluntary reductions.<sup>20</sup> Additionally, these salary figures do not include any special qualification salary (discussed in the section entitled *Additional Compensation*), which may be awarded to eligible officers.

### **Salaries of Elected School Superintendents and School Board Members:**

**Table 3** also displays the salaries for the school superintendents and school board members calculated pursuant to the statutory formula. The formula-based salary computation is made for each school district's superintendent and included in the table even though the statutory provisions apply only to elected superintendents. Additionally, the salary figures do not include any special qualification salary, performance salary incentive, or district school board-approved salary (each discussed in the section entitled *Additional Compensation*), which may be awarded to eligible elected school superintendents. Each elected school board member and school superintendent may also reduce his or her salary rate on a voluntary basis; however, the salary figures published in this report do not reflect any such voluntary reductions.<sup>21</sup>

Furthermore, Chapter 2018-5, L.O.F., amended s. 1001.395(3), F.S., to provide that the salary of each elected school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold a baccalaureate degree, whichever is less. This change became effective July 1, 2019. The salary figures of school board members published in this report only reflect the amounts calculated pursuant to the statutory formula.

### **Effective Date of Salary Changes:**

Elected county and school officers' salaries are adjusted annually pursuant to law, but the law fails to specify the effective date of these annual changes.<sup>22</sup> Florida's county governments operate on the October 1<sup>st</sup> to September 30<sup>th</sup> local fiscal year, while Florida's school districts operate on the July 1<sup>st</sup> to June 30<sup>th</sup> state fiscal year. In an attempt to clarify this uncertainty, Florida's Attorney General opined that salary increases are effective October 1<sup>st</sup> for the elected county officers and July 1<sup>st</sup> for the elected school district officials.<sup>23</sup>

### **Additional Compensation:**

Select county constitutional officers are eligible to receive a special qualification salary of up to \$2,000 added to their formula-based salary; however, the officer must first successfully complete the required certification program.<sup>24</sup> Any officer becoming certified during a calendar year receives in that year a pro rata share of the special qualification salary based on the remaining period of the year. Any special

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19. Section 145.09(2), F.S.

20. Sections 145.031(3), 145.051(3), 145.071(3), 145.09(4), 145.10(3), 145.11(3), F.S.

21. Sections 1001.395(2), 1001.47(6), F.S.

22. Section 145.19(2), F.S.

23. Florida Attorney General Opinion 79-87.

24. Section 145.19(2), F.S.

qualification salary is added after the calculation of the formula-based salary.

Certification programs are offered to the clerks of circuit court, sheriffs, supervisors of elections, property appraisers, tax collectors, and elected school superintendents, and the officer is required to complete a course of continuing education to remain certified.<sup>25</sup> The following state agencies prescribe the courses of continuing education: the Supreme Court for clerks of circuit court; the Department of Law Enforcement for sheriffs; the Department of State's Division of Elections for supervisors of elections; the Department of Revenue for property appraisers and tax collectors; and the Department of Education for elected school superintendents.

In addition to the special qualification salary for elected school superintendents, the Department of Education also provides a leadership development and performance compensation program, which consists of two phases: a content, knowledge, and skills phase; and a competency acquisition phase.<sup>26</sup> Upon successful completion of both phases and demonstrated successful performance, the school superintendent is issued a Chief Executive Officer Leadership Development Certificate and given an annual performance salary incentive of not less than \$3,000 nor more than \$7,500 based upon his or her performance evaluation. For elected school superintendents, current law also provides that a district school board may approve, by majority vote, a salary in excess of the formula-based amount.<sup>27</sup>

#### **Payment of Group Insurance Premiums or Charges:**

Current law authorizes the payment of premiums or charges for group insurance for those county officers whose compensation is fixed by Chapter 145, F.S.<sup>28</sup> All or any portion of the payment of the costs of life, health, accident, hospitalization, or annuity insurance for county officers, as authorized in s. 112.08, F.S., is not deemed to be compensation within the purview of Chapter 145, F.S.<sup>29</sup>

#### **Role of EDR:**

As previously mentioned, EDR has continued the annual calculations of elected county constitutional officers and school district officials' salaries as a service to interested parties. **Please note that EDR cannot make the annual salary calculations until after DMS has certified the Annual Factor and Cumulative Annual Factor, as required by law. EDR has no control over the timing of the certification process by DMS.** No legislative entity is under statutory obligation to perform these annual calculations; therefore, county government and school district officials are encouraged to independently compute the salaries of their own elected officers in order to verify the salary figures published in this report.

Beyond making the formula-based salary calculations and publishing this annual report, the EDR does not collect any of the following information: 1) the salary figures of those officers whose salaries are not set pursuant to the statutory formula; 2) the salary figures of those officers choosing to voluntarily reduce their salary; 3) a listing of county constitutional officers and elected school superintendents receiving any special qualification salary and the amounts of those supplemental awards; 4) a listing of elected school superintendents receiving any performance salary incentive or district school board-approved salary and the amounts of those supplemental awards; and 6) the amounts of any group insurance premiums or charges paid on behalf of those county officers whose compensation is fixed by law. Persons interested in obtaining

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25. Sections 145.051(2), 145.071(2), 145.09(3), 145.10(2), 145.11(2), 1001.47(4), F.S.

26. Section 1001.47(5), F.S.

27. Section 1001.47(1), F.S.

28. Section 112.14, F.S.

29. Section 145.131(3), F.S.

such figures should contact the county government or school district directly.

**Florida Attorney General Opinions:**

Florida’s Attorney General has issued the following legal opinions relevant to the salary issue.

<u>Opinion #</u>	<u>Subject</u>
2008-28	Sheriff – voluntary reduction of salary
99-63	Clerk, fees imposed on county commission
93-94	Class C travel and mileage reimbursements
93-31	Fee officer’s salary
91-68	Florida Retirement System
82-68	Salary incentive benefits for sheriff
81-45	Ch. 80-377; school boards
79-87	County officers’ salary adjustments
79-66	Salary of county officer, deficiency
78-159	Payment of clerk’s social security benefits
77-131	School board members, group insurance purchase
76-157	Sheriffs and financial reports
75-241	Investment income as interest
75-147	Public funds for group life insurance
74-184	Changes in salaries and county population
74-177	Calculating filing fees for candidates

The full texts of those opinions are available via the searchable online database of legal opinions.<sup>30</sup> Local government officials seeking more clarification should review the opinions in their entirety. The reader should keep the date of the opinion in mind when reviewing its relevance to current law or any interpretations that have been articulated in Florida case law.

**Salaries of Other Elected State Officials and Full-Time Members of Commissions:**

The salaries of Florida’s elected state officials and full-time members of commissions are not set by a statutory salary formula, but are set annually in the General Appropriations Act and may be reduced on a voluntary basis.<sup>31</sup> Listed below are the salaries of those elected officials and commission members, effective July 1, 2024, which do not reflect any voluntary reductions.

<b>Elected State Officials and Full-Time Commission Members</b>	<b>Salary</b>
Governor	\$ 141,400
Lieutenant Governor	\$ 135,516
Chief Financial Officer	\$ 139,988
Attorney General	\$ 139,988
Commissioner of Agriculture	\$ 139,988
Supreme Court Justice	\$ 258,957
Judges - District Courts of Appeal	\$ 218,939
Judges - Circuit Courts	\$ 196,898
Judges - County Courts	\$ 186,034

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30. <https://www.myfloridalegal.com/ag-opinions>

31. Section 8 of Chapter 2024-231, L.O.F.

<b>Elected State Officials and Full-Time Commission Members</b>	<b>Salary</b>
Judges of Compensation Claims	\$ 177,160
State Attorneys	\$ 218,939
Public Defenders	\$ 218,939
Public Service Commission - Commissioner	\$ 154,994
Gaming Control Commission - Commissioner	\$ 154,994
Public Employees Relations Commission - Chair	\$ 114,793
Public Employees Relations Commission - Commissioners	\$ 54,423
Commission on Offender Review - Chair	\$ 146,003
Commission on Offender Review - Commissioners	\$ 135,188
Criminal Conflict and Civil Regional Counsels	\$ 140,914

The annual salaries of members of the Florida Senate and House of Representatives are set as a fixed dollar amount, but current law includes a provision for annual adjustment on July 1<sup>st</sup> based on the average percentage increase in the salaries of state career service employees for the fiscal year just concluded.<sup>32</sup> However, notwithstanding the provisions of s. 11.13(1), F.S., the authorized salaries of state legislators for the 2024-25 fiscal year are set at the same level in effect on July 1, 2010.<sup>33</sup> Consequently, the salaries for the Senate President and House Speaker are \$41,181 each, and the salaries for all other Senate and House members are \$29,697 each.

**Availability of Historical Salary Data:**

Several compilations of prior years' salary data are available.<sup>34</sup>

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32. Section 11.13(1), F.S.

33. Section 89 of Chapter 2024-228, L.O.F.

34. <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/s-z.cfm>

<b>County</b>	<b>Population</b>	<b>County</b>	<b>Population</b>
Alachua	293,040	Lee	800,989
Baker	28,339	Leon	301,724
Bay	187,545	Levy	45,283
Bradford	27,389	Liberty	7,977
Brevard	640,773	Madison	18,698
Broward	1,973,579	Manatee	439,566
Calhoun	13,816	Marion	403,966
Charlotte	204,126	Martin	162,847
Citrus	162,240	Miami-Dade	2,768,954
Clay	231,042	Monroe	84,511
Collier	399,480	Nassau	100,763
Columbia	72,191	Okaloosa	219,260
DeSoto	34,974	Okeechobee	39,591
Dixie	17,271	Orange	1,492,951
Duval	1,051,278	Osceola	439,225
Escambia	333,452	Palm Beach	1,532,718
Flagler	130,756	Pasco	610,743
Franklin	12,971	Pinellas	974,689
Gadsden	44,421	Polk	797,616
Gilchrist	19,123	Putnam	75,906
Glades	12,591	St. Johns	315,317
Gulf	16,323	St. Lucie	368,628
Hamilton	13,671	Santa Rosa	202,772
Hardee	25,645	Sarasota	464,223
Hendry	40,895	Seminole	486,839
Hernando	204,265	Sumter	155,318
Highlands	104,385	Suwannee	45,448
Hillsborough	1,541,531	Taylor	21,686
Holmes	19,910	Union	16,137
Indian River	167,781	Volusia	583,505
Jackson	48,982	Wakulla	36,168
Jefferson	15,402	Walton	83,342
Lafayette	8,074	Washington	25,497
Lake	414,749	<b>Florida Total</b>	<b>22,634,867</b>
Data Source: "Florida Estimates of Population 2023" Bureau of Economic and Business Research, University of Florida.			

<b>Table 2</b>					
<b>Salary Computation Statistics</b>					
<b>Elected County Constitutional Officers</b>	<b>Population Group Numbers</b>	<b>County Population Range</b>		<b>Base Salary</b>	<b>Group Rate</b>
		<b>Minimum</b>	<b>Maximum</b>		
Clerk of Circuit Court Comptroller Property Appraiser Supervisor of Elections <i>ss. 145.051, 145.09, and 145.10, F.S.</i>	I	0	49,999	\$21,250	0.07875
	II	50,000	99,999	\$24,400	0.06300
	III	100,000	199,999	\$27,550	0.02625
	IV	200,000	399,999	\$30,175	0.01575
	V	400,000	999,999	\$33,325	0.00525
	VI	1,000,000		\$36,475	0.00400
Tax Collector <i>s. 145.11, F.S.</i>	I	0	49,999	\$26,250	0.07875
	II	50,000	99,999	\$29,400	0.06300
	III	100,000	199,999	\$32,550	0.02625
	IV	200,000	399,999	\$35,175	0.01575
	V	400,000	999,999	\$38,325	0.00525
	VI	1,000,000		\$41,475	0.00400
Sheriff <i>s. 145.071, F.S.</i>	I	0	49,999	\$33,350	0.07875
	II	50,000	99,999	\$36,500	0.06300
	III	100,000	199,999	\$39,650	0.02625
	IV	200,000	399,999	\$42,275	0.01575
	V	400,000	999,999	\$45,425	0.00525
	VI	1,000,000		\$48,575	0.00400
County Commissioners <i>s. 145.031, F.S.</i>	I	0	9,999	\$4,500	0.150
	II	10,000	49,999	\$6,000	0.075
	III	50,000	99,999	\$9,000	0.060
	IV	100,000	199,999	\$12,000	0.045
	V	200,000	399,999	\$16,500	0.015
	VI	400,000	999,999	\$19,500	0.005
	VII	1,000,000		\$22,500	0.000
<b>Elected School District Officials</b>	<b>Population Group Numbers</b>	<b>County Population Range</b>		<b>Base Salary</b>	<b>Group Rate</b>
		<b>Minimum</b>	<b>Maximum</b>		
School Superintendent <i>s. 1001.47, F.S.</i>	I	0	49,999	\$26,250	0.07875
	II	50,000	99,999	\$29,400	0.06300
	III	100,000	199,999	\$32,550	0.02625
	IV	200,000	399,999	\$35,175	0.01575
	V	400,000	999,999	\$38,325	0.00525
	VI	1,000,000		\$41,475	0.00400
School Board Members <i>s. 1001.395, F.S.</i>	I	0	9,999	\$5,000	0.083300
	II	10,000	49,999	\$5,833	0.020830
	III	50,000	99,999	\$6,666	0.016680
	IV	100,000	199,999	\$7,500	0.008330
	V	200,000	399,999	\$8,333	0.004165
	VI	400,000	999,999	\$9,166	0.001390
	VII	1,000,000		\$10,000	0.000000

Note: This table reflects the statutory change enacted by Chapter 2024-86, Laws of Florida, which increased the base salaries of county sheriffs by \$5,000 across all population groups, effective July 1, 2024. Additionally, this table reflects the statutory change enacted by Chapter 2024-90, Laws of Florida, which increased the base salaries of county tax collectors and elected school superintendents by \$5,000 across all population groups, effective July 1, 2024.

**Table 3**  
**Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2024-25**  
**Pursuant to the Salary Formula in Chapter 145, Florida Statutes**  
**See Table Notes for Additional Clarification**

County	Elected County Constitutional Officers						Elected School District Officials		
	Clerk of Circuit Court	Property Appraiser	Supervisor of Elections	Tax Collector	Sheriff	County Commissioners	School Superintendent	School Board Members	
Alachua	c	\$ 174,065	\$ 174,065	\$ 174,065	\$ 201,572	\$ 240,632	\$ 98,450	\$ 201,572	\$ 47,975
Baker	e	\$ 129,181	\$ 129,181	\$ 129,181	\$ 156,688	\$ 195,748	\$ 40,575	\$ 156,688	\$ 34,191
Bay	e	\$ 164,205	\$ 164,205	\$ 164,205	\$ 191,712	\$ 230,772	\$ 87,689	\$ 191,712	\$ 45,272
Bradford	e	\$ 128,770	\$ 128,770	\$ 128,770	\$ 156,277	\$ 195,336	\$ 40,183	\$ 156,277	\$ 34,082
Brevard	c	\$ 190,287	\$ 190,287	\$ 190,287	\$ 217,794	\$ 256,853	\$ 113,899	\$ 217,794	\$ 52,267
Broward	c	\$ 222,086	\$ 222,086	\$ 222,086	\$ 249,593	\$ 288,653	\$ 123,781	\$ 249,593	\$ 55,014
Calhoun	e	\$ 122,890	\$ 122,890	\$ 122,890	\$ 150,396	\$ 189,456	\$ 34,583	\$ 150,396	\$ 32,527
Charlotte	c	\$ 166,361	\$ 166,361	\$ 166,361	\$ 193,868	\$ 232,928	\$ 91,113	\$ 193,868	\$ 45,937
Citrus	e	\$ 160,551	\$ 160,551	\$ 160,551	\$ 188,058	\$ 227,117	\$ 81,425	\$ 188,058	\$ 44,112
Clay	c e	\$ 168,693	\$ 168,693	\$ 168,693	\$ 196,200	\$ 235,260	\$ 93,334	\$ 196,200	\$ 46,554
Collier		\$ 183,288	\$ 183,288	\$ 183,288	\$ 210,795	\$ 249,854	\$ 107,234	\$ 210,795	\$ 50,414
Columbia	c e	\$ 141,924	\$ 141,924	\$ 141,924	\$ 169,431	\$ 208,491	\$ 56,837	\$ 169,431	\$ 38,708
DeSoto	e	\$ 132,056	\$ 132,056	\$ 132,056	\$ 159,563	\$ 198,622	\$ 43,313	\$ 159,563	\$ 34,951
Dixie	e	\$ 124,386	\$ 124,386	\$ 124,386	\$ 151,893	\$ 190,953	\$ 36,008	\$ 151,893	\$ 32,923
Duval	c	\$ 201,791	\$ 201,791	\$ 201,791	\$ 229,297	\$ 268,357	\$ 123,781	\$ 229,297	\$ 55,014
Escambia		\$ 177,567	\$ 177,567	\$ 177,567	\$ 205,074	\$ 244,133	\$ 101,785	\$ 205,074	\$ 48,901
Flagler		\$ 156,004	\$ 156,004	\$ 156,004	\$ 183,511	\$ 222,571	\$ 73,630	\$ 183,511	\$ 42,670
Franklin	e	\$ 122,523	\$ 122,523	\$ 122,523	\$ 150,030	\$ 189,090	\$ 34,234	\$ 150,030	\$ 32,430
Gadsden	e	\$ 136,149	\$ 136,149	\$ 136,149	\$ 163,655	\$ 202,715	\$ 47,210	\$ 163,655	\$ 36,034
Gilchrist	e	\$ 125,189	\$ 125,189	\$ 125,189	\$ 152,695	\$ 191,755	\$ 36,772	\$ 152,695	\$ 33,135
Glades	e	\$ 122,359	\$ 122,359	\$ 122,359	\$ 149,866	\$ 188,925	\$ 34,077	\$ 149,866	\$ 32,386
Gulf	e	\$ 123,976	\$ 123,976	\$ 123,976	\$ 151,482	\$ 190,542	\$ 35,617	\$ 151,482	\$ 32,814
Hamilton	e	\$ 122,827	\$ 122,827	\$ 122,827	\$ 150,334	\$ 189,393	\$ 34,523	\$ 150,334	\$ 32,510
Hardee	e	\$ 128,014	\$ 128,014	\$ 128,014	\$ 155,521	\$ 194,581	\$ 39,463	\$ 155,521	\$ 33,882
Hendry	e	\$ 134,621	\$ 134,621	\$ 134,621	\$ 162,128	\$ 201,188	\$ 45,756	\$ 162,128	\$ 35,630
Hernando		\$ 166,373	\$ 166,373	\$ 166,373	\$ 193,880	\$ 232,940	\$ 91,124	\$ 193,880	\$ 45,941
Highlands	e	\$ 152,196	\$ 152,196	\$ 152,196	\$ 179,703	\$ 218,762	\$ 67,102	\$ 179,703	\$ 41,461
Hillsborough	c	\$ 212,579	\$ 212,579	\$ 212,579	\$ 240,086	\$ 279,145	\$ 123,781	\$ 240,086	\$ 55,014
Holmes	e	\$ 125,530	\$ 125,530	\$ 125,530	\$ 153,036	\$ 192,096	\$ 37,097	\$ 153,036	\$ 33,225
Indian River		\$ 161,351	\$ 161,351	\$ 161,351	\$ 188,858	\$ 227,917	\$ 82,796	\$ 188,858	\$ 44,366
Jackson	e	\$ 138,125	\$ 138,125	\$ 138,125	\$ 165,631	\$ 204,691	\$ 49,092	\$ 165,631	\$ 36,557
Jefferson	e	\$ 123,577	\$ 123,577	\$ 123,577	\$ 151,083	\$ 190,143	\$ 35,237	\$ 151,083	\$ 32,708
Lafayette	e	\$ 120,402	\$ 120,402	\$ 120,402	\$ 147,909	\$ 186,968	\$ 31,419	\$ 147,909	\$ 31,207
Lake		\$ 183,759	\$ 183,759	\$ 183,759	\$ 211,266	\$ 250,325	\$ 107,682	\$ 211,266	\$ 50,538
Lee	c	\$ 194,914	\$ 194,914	\$ 194,914	\$ 222,421	\$ 261,481	\$ 118,307	\$ 222,421	\$ 53,492
Leon	c e	\$ 174,818	\$ 174,818	\$ 174,818	\$ 202,324	\$ 241,384	\$ 99,167	\$ 202,324	\$ 48,174
Levy	e	\$ 136,522	\$ 136,522	\$ 136,522	\$ 164,029	\$ 203,089	\$ 47,566	\$ 164,029	\$ 36,133
Liberty	e	\$ 120,360	\$ 120,360	\$ 120,360	\$ 147,867	\$ 186,926	\$ 31,339	\$ 147,867	\$ 31,162
Madison	e	\$ 125,005	\$ 125,005	\$ 125,005	\$ 152,511	\$ 191,571	\$ 36,597	\$ 152,511	\$ 33,086
Manatee		\$ 184,476	\$ 184,476	\$ 184,476	\$ 211,983	\$ 251,042	\$ 108,365	\$ 211,983	\$ 50,728
Marion		\$ 183,447	\$ 183,447	\$ 183,447	\$ 210,954	\$ 250,014	\$ 107,386	\$ 210,954	\$ 50,456
Martin		\$ 160,638	\$ 160,638	\$ 160,638	\$ 188,145	\$ 227,205	\$ 81,575	\$ 188,145	\$ 44,140
Miami-Dade	c	\$ 239,589	\$ 239,589	\$ 239,589	\$ 267,096	\$ 306,155	\$ 123,781	\$ 267,096	\$ 55,014
Monroe		\$ 146,194	\$ 146,194	\$ 146,194	\$ 173,701	\$ 212,761	\$ 60,904	\$ 173,701	\$ 39,839
Nassau	e	\$ 151,673	\$ 151,673	\$ 151,673	\$ 179,180	\$ 218,239	\$ 66,205	\$ 179,180	\$ 41,295
Okaloosa	e	\$ 167,672	\$ 167,672	\$ 167,672	\$ 195,179	\$ 234,239	\$ 92,362	\$ 195,179	\$ 46,284
Okeechobee		\$ 134,056	\$ 134,056	\$ 134,056	\$ 161,563	\$ 200,623	\$ 45,217	\$ 161,563	\$ 35,480
Orange	c	\$ 211,510	\$ 211,510	\$ 211,510	\$ 239,017	\$ 278,076	\$ 123,781	\$ 239,017	\$ 55,014
Osceola	c	\$ 184,466	\$ 184,466	\$ 184,466	\$ 211,973	\$ 251,032	\$ 108,356	\$ 211,973	\$ 50,725
Palm Beach	c	\$ 212,385	\$ 212,385	\$ 212,385	\$ 239,892	\$ 278,951	\$ 123,781	\$ 239,892	\$ 55,014
Pasco	e	\$ 189,420	\$ 189,420	\$ 189,420	\$ 216,926	\$ 255,986	\$ 113,073	\$ 216,926	\$ 52,037
Pinellas	c	\$ 199,931	\$ 199,931	\$ 199,931	\$ 227,438	\$ 266,498	\$ 123,084	\$ 227,438	\$ 54,820
Polk	c	\$ 194,817	\$ 194,817	\$ 194,817	\$ 222,324	\$ 261,383	\$ 118,214	\$ 222,324	\$ 53,466
Putnam	e	\$ 143,212	\$ 143,212	\$ 143,212	\$ 170,719	\$ 209,778	\$ 58,063	\$ 170,719	\$ 39,049
St. Johns		\$ 175,995	\$ 175,995	\$ 175,995	\$ 203,502	\$ 242,562	\$ 100,289	\$ 203,502	\$ 48,485
St. Lucie		\$ 180,615	\$ 180,615	\$ 180,615	\$ 208,121	\$ 247,181	\$ 104,688	\$ 208,121	\$ 49,707
Santa Rosa	e	\$ 166,244	\$ 166,244	\$ 166,244	\$ 193,751	\$ 232,810	\$ 91,001	\$ 193,751	\$ 45,906
Sarasota	c	\$ 185,188	\$ 185,188	\$ 185,188	\$ 212,695	\$ 251,754	\$ 109,043	\$ 212,695	\$ 50,917
Seminole	c	\$ 185,841	\$ 185,841	\$ 185,841	\$ 213,348	\$ 252,408	\$ 109,665	\$ 213,348	\$ 51,090
Sumter	e	\$ 159,551	\$ 159,551	\$ 159,551	\$ 187,058	\$ 226,118	\$ 79,711	\$ 187,058	\$ 43,795

**Table 3**  
**Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2024-25**  
**Pursuant to the Salary Formula in Chapter 145, Florida Statutes**  
**See Table Notes for Additional Clarification**

County	Elected County Constitutional Officers						Elected School District Officials		
	Clerk of Circuit Court	Property Appraiser	Supervisor of Elections	Tax Collector	Sheriff	County Commissioners	School Superintendent	School Board Members	
Suwannee	e	\$ 136,594	\$ 136,594	\$ 136,594	\$ 164,100	\$ 203,160	\$ 47,634	\$ 164,100	\$ 36,152
Taylor	e	\$ 126,299	\$ 126,299	\$ 126,299	\$ 153,806	\$ 192,866	\$ 37,830	\$ 153,806	\$ 33,429
Union	e	\$ 123,895	\$ 123,895	\$ 123,895	\$ 151,402	\$ 190,462	\$ 35,540	\$ 151,402	\$ 32,793
Volusia	c	\$ 188,633	\$ 188,633	\$ 188,633	\$ 216,140	\$ 255,199	\$ 112,324	\$ 216,140	\$ 51,829
Wakulla	c e	\$ 132,573	\$ 132,573	\$ 132,573	\$ 160,080	\$ 199,140	\$ 43,805	\$ 160,080	\$ 35,088
Walton	e	\$ 145,789	\$ 145,789	\$ 145,789	\$ 173,296	\$ 212,356	\$ 60,518	\$ 173,296	\$ 39,732
Washington	e	\$ 127,950	\$ 127,950	\$ 127,950	\$ 155,457	\$ 194,517	\$ 39,402	\$ 155,457	\$ 33,865

A "c" denotes each of Florida's 20 charter counties, according to the Florida Association of Counties (FAC).  
<https://www.fl-counties.com/about-floridas-counties/charter-county-information/>

An "e" denotes those school districts having an elected school superintendent, according to the Florida Association of District School Superintendents (FADSS).  
<https://fadss.org/membership/superintendents>

**Notes:**

- Salary figures have been calculated by the Florida Legislature's Office of Economic and Demographic Research (EDR) pursuant to the statutory formula in Chapter 145, F.S. Although not required by law, the EDR calculates salaries of elected county constitutional officers and school district officials as a service to county governments and school districts. County and school district officials are encouraged to independently compute and verify these salary figures.
- The calculated salary figures for all officers reflect the use of April 1, 2023 countywide population estimates listed in "Florida Estimates of Population 2023" published by the University of Florida's Bureau of Economic and Business Research.
- These salary figures may not be applicable to those elected county officers of a chartered consolidated government or those elected officers in counties having a home rule charter, which specifies another method of salary compensation. As indicated in this table, Florida currently has 20 charter counties.
- Salary figures are included for each school district's superintendent even though the salaries determined by statutory formula are applicable only to elected school superintendents. As of July 30, 2024, Florida has 38 elected school superintendents.
- These salary figures do not include any special qualification salary available to eligible clerks of circuit court, property appraisers, sheriffs, supervisors of elections, and tax collectors who have completed the required certification program specified in the relevant sections of Chapter 145, F.S. Additionally, the salary figures for elected school superintendents do not include any special qualification salary and performance salary incentive available to eligible elected school superintendents who have completed the required certification programs specified in Section 1001.47, F.S.
- As the result of the following statutory authorizations: Chapters 2009-3, 2009-59, and 2011-158, L.O.F., each elected county constitutional officer and school district official may voluntarily reduce his or her salary rate. However, the salary figures listed in this table do not reflect any such voluntary reductions.
- This table reflects the statutory change enacted by Chapter 2016-157, L.O.F., which made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors.
- Chapter 2018-5, L.O.F., amended s. 1001.395(3), F.S., to provide that the salary of each elected school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold a baccalaureate degree, whichever is less. Additionally, the legislation amended s. 1011.10, F.S., to provide that if any of the financial emergency conditions identified in s. 218.503(1), F.S., exist within a school district, then the salary of each district school board member and district school superintendent, calculated pursuant to ss. 1001.395 and 1001.47, F.S., shall be withheld until the conditions are corrected. However, this penalty will not apply to a district school board member or district school superintendent elected or appointed within one year after the identification of the financial emergency conditions in s. 218.503(1), F.S., if he or she did not participate in the approval or preparation of the final school district budget adopted before the identification of such conditions. These changes became effective July 1, 2019.
- This table reflects the statutory change enacted by Chapter 2022-23, L.O.F., which increased the base salaries of county sheriffs by \$5,000 across all population groups, effective July 1, 2022.
- This table reflects the statutory change enacted by Chapter 2024-86, L.O.F., which increased the base salaries of county sheriffs by \$5,000 across all population groups, effective July 1, 2024. Additionally, this table reflects the statutory change enacted by Chapter 2024-90, Laws of Florida, which increased the base salaries of county tax collectors and elected school superintendents by \$5,000 across all population groups, effective July 1, 2024.
- Pursuant to s. 145.19(2), F.S., the Florida Department of Management Services must annually certify two components of the salary formula calculation: the annual factor and cumulative annual factor. For the 2024-25 fiscal year, the certified annual factor is 1.0301 and the certified cumulative annual factor is 4.1336.

## **Appendix**

### **Summary of Relevant Constitutional Provisions and Statutory Changes**

Article III, section 27 and Article VIII, section 6 of the Florida Constitution of 1885 stated that the Legislature provides for the election of county officers and prescribes by law their powers, duties, and compensation.

Chapter 7334, 1917 Laws of Florida (L.O.F.), established by defined schedule the compensation of all county officials previously paid in whole or in part on the basis of fees or commissions.

Chapter 8497, 1921 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 9270, 1923 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 11954, 1927 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 14502, 1929 L.O.F., required fee or commission-based county officials to file itemized sworn statements showing receipts and disbursements of the office.

Chapter 14665, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, county judge, county assessor of taxes, superintendent of public instruction, tax collector, and clerk of the board of county commissioners in those counties having a population not less than 10,630 and not greater than 10,650.

Chapter 14666, 1931 L.O.F., set the annual compensation of clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk of civil court and criminal court of record in those counties having a population greater than 155,000.<sup>1</sup>

Chapter 15607, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, justice of the peace, and clerk of criminal court of record in those counties having a population not less than 13,600 and not greater than 13,650.

Chapter 15608, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, and clerk of civil court and criminal court of record in those counties having a population not less than 35,000 and not greater than 45,000.

Chapter 15611, 1931 L.O.F., set the annual compensation for county judge in those counties having a population not less than 7,200 and not greater than 7,400.

Chapter 15739, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, and county judge in those counties having a population not less than 19,000 and not greater than 22,000.

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1. The title of tax assessor was subsequently changed to property appraiser per Chapter 77-102, L.O.F.

Chapter 15740, 1931 L.O.F., set the annual compensation for county judge, sheriff, clerk of circuit court, tax assessor, and tax collector in those counties having a population more than 17,650 and less than 19,000.

Chapter 15968, 1933 L.O.F., set the annual compensation for sheriff, tax assessor, tax collector, clerk of circuit court, and county judge in those counties having a population not more than 3,600 and not less than 3,400.

Chapter 15970, 1933 L.O.F., set the annual compensation for all county officials in those counties having a population not less than 18,100 and not more than 18,700.

Chapter 15971, 1933 L.O.F., set the annual compensation for county judge, sheriff, tax collector, tax assessor, justice of the peace, and constable in those counties having a population not less than 2,466 and not more than 2,500.

Chapter 15972, 1933 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and board of county commissioners in those counties having a population not less than 19,000 and not more than 22,000.

Chapter 15973, 1933 L.O.F., set the annual compensation for supervisor of registration, superintendent of public instruction, and justice of the peace in those counties having a population not less than 18,100 and not more than 18,700.

Chapter 15974, 1933 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax collector, tax assessor, county judge, clerk of county court and criminal court of record, superintendent of public instruction, supervisor of registration, members of the board of public instruction, and probation officer in those counties having a population not less than 70,000 and not more than 140,000.

Chapter 15975, 1933 L.O.F., set the annual compensation for county judge, sheriff, clerk of circuit court, superintendent of public instruction, tax assessor, tax collector, supervisor of registration, county commissioners, county board of public instruction, justice of the peace, constable, attorney for the board of county commissioners, attorney for the board of public instruction, and deputy sheriff in those counties having a population not less than 12,456 and not more than 12,900.

Chapter 15976, 1933 L.O.F., set the annual compensation for members of the board of county commissioners, members of the board of public instruction, county judge, county prosecuting attorney, and superintendent of public instruction of Jefferson County.

Chapter 15977, 1933 L.O.F., set the annual compensation for sheriff, tax collector, tax assessor, clerk of circuit court, and superintendent of public instruction in those counties having a population not less than 13,600 and not more than 13,700.

Chapter 15979, 1933 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax assessor, tax collector, county judge, clerk of criminal court of record, justice of the peace, and constable in those counties having a population not less than 49,800 and not more than 53,500.

Chapter 15980, 1933 L.O.F., set the annual compensation for superintendent of public instruction, members of the board of county commissioners, members of the board of public instruction, and supervisor of registration in those counties having a population not less than 3,400 and not more than 3,700.

Chapter 16006, 1933 L.O.F., authorized the board of county commissioners in those counties having a population not less than 13,600 and not more than 13,700 to designate the number of deputies and the compensation of deputies in the offices of the sheriff, tax collector, tax assessor, and clerk of circuit court.

Chapter 16921, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk of civil and criminal court of record in those counties having a population more than 180,000.

Chapter 16922, 1935 L.O.F., set the annual compensation for county judge, tax assessor, tax collector, and superintendent of public instruction in those counties having a population not less than 4,060 and not more than 4,070.

Chapter 16923, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk in those counties having a population not less than 20,000 and not more than 23,000.

Chapter 16924, 1935 L.O.F., set the annual compensation for county commissioners, members of the board of public instruction, and superintendent of public instruction in those counties having a population not less than 6,418 and not more than 6,500.

Chapter 16925, 1935 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax collector, tax assessor, county judge, clerk of county court and criminal court of record in those counties having a population not less than 70,000 and not more than 140,000.

Chapter 16926, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, and county judge in those counties having a population not less than 12,400 and not more than 12,500.

Chapter 16927, 1935 L.O.F., set the annual compensation for clerk of circuit court as county auditor, clerk of the board of county commissioners, sheriff, county judge, tax collector, and tax assessor in those counties having a population not less than 3,150 and not more than 3,200.

Chapter 16928, 1935 L.O.F., set the annual compensation for clerk of circuit court, tax assessor, tax collector, sheriff, county judge, superintendent of public instruction, clerk of criminal court of record, county solicitor, justice of the peace, and constable in those counties having a population not less than 45,000 and not more than 50,000.

Chapter 16929, 1935 L.O.F., amended Chapter 14666, 1931 L.O.F., so as to apply to all counties having a population of 150,000 according to the last or any future official census.

Chapter 20891, 1941 L.O.F., required the county's tax assessor and tax collector to pay a portion of all monies, in excess of the sum that the officer was entitled to as annual compensation, to the Board of Public Instruction.

Chapter 24101, 1947 L.O.F., required fee or commission-based county officers to submit a report to the board of county commissioner annually rather than semi-annually.

Chapter 28041, 1953 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 61-461, L.O.F., provided for the compensation of county officers (i.e., members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector). The Legislature acknowledged that the functions, powers, duties, and responsibilities vary between county officers in the same county and between the same county officer in different counties with respect to the county's population, geography, economy, and government. Consequently, the amount of compensation set in law for each type of county officer varied from county to county, except for Dade County where compensation was determined locally based on home rule powers. The intent of the legislation was not to repeal, affect, or modify any local or special law, or general law of local application enacted prior to or during 1961 as to the compensation of county officers, travel expenses of county officers, or payment of extra compensation of the chair of the board of county commission or board of public instruction. Also, the legislation was not applicable where in conflict with relevant local laws in Franklin, Gadsden, Liberty, and Wakulla counties.

Chapter 63-560, L.O.F., increased, decreased, or left unchanged from amounts set in Chapter 61-461, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector. The legislation also provided for the compensation of county officials whose compensation for official duties was paid in whole or part by fees or commissions. The amount of such compensation was not to exceed \$7,500, unless otherwise provided in law.

Chapter 65-356, L.O.F., increased, decreased, or left unchanged from amounts set in Chapter 63-560, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector.

Chapter 67-543, L.O.F., increased from amounts set in Chapter 65-356, L.O.F., the compensation for Broward County members of the board of county commissioners, sheriff, and tax assessor.

Chapter 67-576, L.O.F., increased, decreased, or left unchanged from amounts set in Chapters 65-356 and 67-543, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of elections, tax assessor, and tax collector.

Chapter 67-594, L.O.F., increased from amount set in Chapter 67-576, L.O.F., the compensation for Gadsden County's tax assessor.

Article II, section 5(c) of the Florida Constitution, as revised in 1968, provided that the powers, duties, compensation, and method of payment of state and county officers are fixed by law.

Chapter 69-211, L.O.F., declared legislative intent to preserve statewide uniformity of county officials' salaries and prohibited special laws or general laws of local application pertaining to compensation of members of the board of county commissioners, clerk of circuit court, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector.

Chapter 69-216, L.O.F., deleted references to sections of the 1885 constitution that were replaced by new sections in the 1968 revision.

Chapter 69-346, L.O.F., provided for the uniform salaries of members of the board of county commissioners, members of the district school board, clerk of circuit court, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector based upon the classification of counties according to population. The legislation provided that all other income of county officials from fees or services rendered to state, county, or municipal governments was income of the office and for the recording and reporting of fees collected as well as the disposition of excess fees. The legislation repealed previously enacted local or special laws or general laws of local application related to the compensation of county officials and repealed chapter provisions providing for the compensation of county judge.

Chapter 69-403, L.O.F., provided for the transfer of the salary provisions of county judge from Chapter 145 to Chapter 44, F.S., and repealed obsolete provisions in Chapter 145, F.S.

Chapter 70-395, L.O.F., provided a salary increase to sheriff in existing bracketed population counties and created three new population brackets with corresponding salaries for counties having a population in excess of 300,000 persons.

Chapter 70-419, L.O.F., provided that the salary of a board or commission member could not be reduced until the first Tuesday after the first Monday in January 1973.

Chapter 70-429, L.O.F., provided a salary increase to supervisors of elections in existing bracketed population counties.

Chapter 70-445, L.O.F., provided that those county officials whose total compensation was in excess of the salary payable pursuant to the chapter as amended effective July 1969, could continue to be compensated under the terms and conditions that prevailed immediately prior to July 1, 1969, until expiration of the official's present term of office. Thereafter, the salaries of those officials would be reduced to that provided by the chapter. The legislation excluded supervisor of elections from the 20 percent limitation. In addition, the legislation provided an additional monthly expense allowance for the chairs of county commissions.

Chapter 72-111, L.O.F., provided that payment of insurance for county officials and employees in s. 112.08, F.S., would not be considered additional compensation.

Chapter 72-240, L.O.F., delayed any change of procedures for determining the pay of certain county officials until the adjournment of the next regular legislative session following the submission of the first official recommendations of the State and County Officers' Compensation Commission, created pursuant to HB 184 (1972 session), or September 30, 1974, whichever occurred first.

Chapter 72-404, L.O.F., added county comptroller to salary provisions of the clerk of circuit court. The legislation also provided that the county would pay the clerk's or county comptroller's salary if the state did not pay the salary. Additionally, the county would compensate the clerk of circuit court for any additional county court-related duties that the clerk would be required to perform if the state did not pay such compensation.

Chapter 73-172, L.O.F., modified the procedure regarding disposition of excess fees collected by a tax collector or assessor. The legislation provided that the tax assessor would receive as salary the base salary indicated, based on the county's population with compensation made for population increments over the minimum for each population group, which would be determined by multiplying the population in excess of the group minimum times the group rate. In addition, the legislation provided for a special qualification salary of \$2,000 per year to qualified tax assessors. Also, the legislation provided for an additional adjustment to the tax assessor's salary based on the U.S. Department of Labor's Consumer Price Index, which would be multiplied by the adjusted salary rate. Finally, the legislation specified that the guaranteed salary provision upon resolution of the board of county commissioners would not apply to the tax assessor.

Chapter 73-173, L.O.F., redefined the definition of population used to calculate salaries. The legislation increased the salary of county commissioners, district school board members, clerk of circuit court and county comptroller, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector by establishing a calculation method. The calculation method provided that the officer would receive as salary the base salary indicated in the appropriate section of the chapter, based on the county's population with compensation made for population increments over the minimum for each population group, which would be determined by multiplying the population in excess of the group minimum times the group rate. In addition, the legislation provided for a special qualification salary of \$2,000 per year to qualified tax assessors. Also, the legislation provided for an additional adjustment to all officers' salaries based on the U.S. Department of Labor's Consumer Price Index, which would be multiplied by the applicable adjusted salary rate.

Chapters 73-333 and 73-334, L.O.F., deleted obsolete provisions in the Chapter 145, F.S.

Chapter 74-325, L.O.F., clarified funds that could be included as income of the county official's office and provided that a county official could not use the office, its personnel, or its property for a private purpose.

Chapter 77-102, L.O.F., changed all chapter references of tax assessor to property appraiser to reflect a name change.

Chapter 79-190, L.O.F., changed reference from the Department of Administration to the Executive Office of the Governor with respect to the annual determination of population.

Chapter 79-327, L.O.F., provided that all county officers' salaries be adjusted annually, effective July 1, 1979, based on the average percentage increase in State Career Service employees' salaries as determined by the Department of Administration or as provided in the General Appropriations Act. The increases for any fiscal year were limited to no more than seven percent. In addition, it raised the base salaries for supervisor of elections by \$4,300 in each population group, retroactive to the fiscal year beginning October 1, 1978.

Chapter 80-31, L.O.F., authorized district school boards by majority vote to increase the school superintendent's salary above specified limits.

Chapter 80-377, L.O.F., extended the provisions for special qualification salary to the following officers: clerk of circuit court, sheriff, supervisor of elections, tax collector, and superintendent of schools. The legislation increased the base salaries and group rates for the following officers: school board members, superintendent of schools, clerk of circuit court, county comptroller, sheriff, property appraiser, tax collector, and supervisor of elections. In addition, the legislation added school board members to the list of county officers whose compensation may not be changed by special laws or general laws of local application. The legislation required the Department of Administration to annually certify the annual factor and cumulative annual factor and the Department of Community Affairs to annually calculate the adjusted salary rate. The legislation provided that the adjusted salary rate would be the product of the salary rate granted by the appropriate chapter and section pertaining to a particular officer multiplied first by the initial factor, then by the cumulative factor, and finally by the annual factor. Finally, the legislation transferred statutory provisions regarding the base salaries and group rates for school board members and school superintendents from Chapter 145 to Chapter 230, F.S.

Chapter 81-167, L.O.F., amended provisions regarding the annual calculation of county officers' salaries to reflect the change in name of the Department of Community Affairs to Department of Veteran and Community Affairs.

Chapter 81-216, L.O.F., specified the Department of Law Enforcement as the state agency responsible for establishing the requirements for sheriffs seeking the special qualification salary.

Chapter 83-55, L.O.F., amended provisions regarding the annual calculation of county officers' salaries to reflect the change in name of the Department of Veteran and Community Affairs to Department of Community Affairs.

Chapter 83-215, L.O.F., revised cross-references regarding repeal of other laws related to compensation to conform provisions to the 1980 law change that transferred salary provisions for school board members and school superintendents from Chapter 145 to Chapter 230, F.S.

Chapter 84-241, L.O.F., removed the Department of Community Affairs as the state agency responsible for calculating the salaries of county officers. No replacement agency was named.

Chapter 85-322, L.O.F., increased salaries of clerk of the circuit court, county comptroller, supervisor of elections, property appraiser, tax collector, sheriff, and superintendent of schools by consolidating population group I (population range: 0-9,999) and population group II (population range: 10,000-49,999) into a new population group I (population range: 0-49,999); increasing the base salaries for each of the named officers at each population group level; and increasing the group rate at the highest population group level for each of the named officers.

Chapter 86-152, L.O.F., authorized the Executive Director of the Department of Revenue to waive the requirements for eligibility to receive the special qualification salary for any property appraiser who was at least 60 years of age and who had been a property appraiser for at least 20 years.

Chapter 87-224, L.O.F., revised cross-reference regarding the annual determination of population of local governments and renumbered population group levels for the office of sheriff to conform to the 1985 law change.

Chapter 88-42, L.O.F., amended the definition of the annual factor for purposes of calculating the annual salary increases of county officers.

Chapter 88-158, L.O.F., amended provisions regarding a county officer's guaranteed salary upon resolution of the board of county commissioners if all fees collected by the officer were turned over to the board. Such a resolution would be applicable only with respect to the county official who concurred in its adoption and only for the officer's duration in the current term of office.

Chapter 88-175, L.O.F., increased the base salaries for clerk of circuit court and county comptroller, tax collector, property appraiser, and supervisor of elections at each population group level.

Chapter 89-72, L.O.F., reduced the amount of time in which property appraisers and tax collectors must qualify to receive the special qualification salary after first taking office from six to four years.

Chapter 89-178, L.O.F., increased the sheriff's base salaries at each population group level.

Chapter 91-45, L.O.F., deleted obsolete provisions pertaining to special qualification salary for clerk of circuit court, county comptroller, sheriff, and supervisor of elections.

Chapter 92-279, L.O.F., amended provisions regarding the annual certification of the annual factor and cumulative annual factor to reflect the change in name of the Department of Administration to Department of Management Services.

Chapter 92-326, L.O.F., retained salaries of school board members and superintendents of schools at fiscal year 1991-92 levels.

Chapter 93-146, L.O.F., deleted authorization to fix salaries of district school board members by special or local law. The legislation extended the prohibition regarding special laws or general laws of local application to laws concerning compensation of district school board members. In addition, the legislation provided for annual salary adjustment for district school board members and superintendents of schools. Finally, the legislation provided for payment of specified salaries and ratification of previously paid salaries in addition to repealing all local and special laws or general laws of local application that relate to the compensation of district school board members.

Chapter 95-147, L.O.F., removed gender-specific references without substantive changes in legal effect.

Chapter 2001-266, L.O.F., deleted requirements that copies of certain salary-related resolutions adopted by boards of county commissioners be filed with the Department of Banking and Finance and the Auditor General.

Chapter 2002-387, L.O.F., enacted the "Florida K-20 Education Code in Chapter 1001, F.S. The legislation repealed provisions related to population group levels, base salaries, and group rates for district school board members and superintendents of schools. The legislation repealed provisions in Chapter 230, F.S.,

requiring the calculation of adjusted salary rate for district school board members and allowed district school boards to annually determine the salary of its members. Additionally, the legislation repealed certain salary provisions for superintendents of schools.

Chapter 2003-261, L.O.F., amended provisions regarding any revenue deficiency to be paid by the board of county commissioners to reflect the change in name of the Department of Banking and Finance to Department of Financial Services.

Chapter 2003-402, L.O.F., prohibited a county from appropriating to the clerk of circuit court based on the fees collected by that office.

Chapter 2004-41, L.O.F., reinstated statutory language pertaining to the salary computation for elected school superintendents that existed in law prior to the repeal of such language by Chapter 2002-387, L.O.F.

Chapter 2007-234, L.O.F., partially reinstated statutory language pertaining to the salary computation for school board members that existed in law prior to the repeal of such language by Chapter 2002-387, L.O.F. However, a portion of the new law was incorrectly drafted. The maximum county population for Population Group II was authorized as 49,000 rather than 49,999. For purposes of calculating salaries of school board members for the 2007-08 fiscal, no county's population fell within the 49,001 through 49,999 range so the error did not prevent any school board member's salary from being calculated.

Chapter 2008-4, L.O.F., provided the necessary statutory language to correct an error contained in Chapter 2007-234, L.O.F. The maximum county population of Population Group II for school board members was set to 49,999.

Chapter 2009-3, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 or s. 145.19, F.S., district school board members could reduce their salary rate on a voluntary basis.

Chapter 2009-59, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 and s. 145.19, F.S., for the 2009-10 fiscal year, the salary of each school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less. In addition, the legislation amended s. 1001.47, F.S., to provide that notwithstanding the provisions of s. 1001.47 and s. 145.19, F.S., elected school superintendents could reduce their salary rate on a voluntary basis. Also, the legislation amended s. 1001.47, F.S., to provide that notwithstanding the provisions of s. 1001.47 and s. 145.19, F.S., for the 2009-10 fiscal year, the salary of each elected school superintendent calculated pursuant to s. 1001.47, F.S., was reduced by 2 percent.

Chapter 2010-154, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 and s. 145.19, F.S., for the 2010-11 fiscal year, the salary of each school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.

Chapter 2011-158, L.O.F., provided that notwithstanding the provisions of Chapter 145, F.S., each member of a board of county commissioners, clerk of the circuit court, county comptroller, sheriff, supervisor of elections, property appraiser, and tax collector was authorized to voluntarily reduce his or her salary rate.

Chapter 2014-39, L.O.F., repealed the obsolete language of s. 1001.47(7), F.S., which reduced the salaries of elected district school superintendents by 2 percent for the 2009-10 fiscal year only.

Chapter 2016-157, L.O.F., made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors.

Chapter 2018-5, L.O.F., amended s. 1001.395(3), F.S., to provide that the salary of each elected school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold a baccalaureate degree, whichever is less. Additionally, the legislation amended s. 1011.10, F.S., to provide that if any of the financial emergency conditions identified in s. 218.503(1), F.S., exist within a school district, then the salary of each district school board member and district school superintendent, calculated pursuant to ss. 1001.395 and 1001.47, F.S., shall be withheld until the conditions are corrected. However, this penalty will not apply to a district school board member or district school superintendent elected or appointed within one year after the identification of the financial emergency conditions in s. 218.503(1), F.S., if he or she did not participate in the approval or preparation of the final school district budget adopted before the identification of such conditions. These changes became effective July 1, 2019.

Chapter 2022-23, L.O.F., amended s. 145.071, F.S., to increase the base salaries of county sheriffs by \$5,000 across all population groups, effective July 1, 2022.

Chapter 2024-86, L.O.F., amended s. 145.071, F.S., to increase the base salaries of county sheriffs by \$5,000 across all population groups, effective July 1, 2024.

Chapter 2024-90, L.O.F., amended ss. 145.11 and 1001.47, F.S., to increase the base salaries of county tax collectors and elected district school superintendents, respectively, by \$5,000 across all population groups, effective July 1, 2024.