

**Miami-Dade County Charter Review Task Force Agenda**  
**Official Version**  
**Monday, October 27, 2025**  
**5:00 PM**  
**North Dade Regional Library**

- I. Roll Call
  
- II. Pledge of Allegiance
  
- III. Listening Session and Reasonable Opportunity for the Public to be Heard
  
- IV. Continuation of Discussion on the Structure of County Government
  - A. Motions for Consideration
    - i. Item A: Moss – Revised Independent Salary Commission
    - ii. Item B: Kerbel - Commissioner Term Limits
    - iii. Item B - Alternate: Eikenberg – Mayoral and Commissioner Term Limits
    - iv. Item C: Kerbel – Revised Commissioner Term Limits
  
- V. Comments/Discussion by Task Force members
  - A. Clerk’s Meeting Minutes
  - B. Initial Task Force Report
  - C. Other Discussion Items
  
- VI. Adjournment

Attachments:

- (A) Motions for Consideration
- (B) Commissioner & Mayor’s Salary and Benefit Values
- (C) Clerk’s Minutes 8.25.2025
- (D) Clerk’s Minutes 9.5.2025
- (E) Clerk’s Minutes 9.17.2025
- (F) Task Force Recommendations Report

ITEM A

Moss - Revised Independent Salary Commission

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.]] >>~~

- A. The salary of County Commissioners shall be determined by an independent Salary Commission. The independent Salary Commission shall be comprised of five (5) members who shall serve without compensation.
- B. Each member of the independent Salary Commission must be a County resident, but may not be a current elected official, County employee, registered lobbyist, or immediate family member of a sitting County Commissioner. One member shall be appointed by the Chief Judge of the Eleventh Judicial Circuit of Florida; one member shall be appointed by the State Attorney; one member shall be appointed by the Public Defender; one member shall be appointed by the Executive Director of the Commission on Ethics; and one member shall be appointed by the Inspector General.
- C. Except as provided otherwise in this Charter, members of the independent Salary Commission shall serve for a term of four (4) years and may not serve more than two (2) consecutive terms. Notwithstanding the foregoing, for the initial Salary Commission following the general election of 2026, two (2) of the appointments shall be determined, by lot, to only serve for a two (2) year term in order to allow members to be appointed on staggered terms. Members serving an initial (2) year term may still nevertheless serve no more than two (2) consecutive terms. Any vacancies on the independent Salary Commission shall be filled in the same manner as provided for the relevant member's appointment.
- D. On an annual basis, the independent Salary Commission shall meet and conduct a comprehensive review of County Commissioner salaries and determine whether or not there is a need for revision prior to adoption of the County Budget for the ensuing fiscal year. In making this determination, the independent Salary Commission shall consider (a) the duties and responsibilities of County Commissioners, (b) the salary of commissioners in comparable jurisdictions, (c) the value of any benefits or other compensation received by commissioners, (d) increases in cost of living and inflation in Miami-Dade County, (e) the fiscal condition of the County, and (f) the need to attract and retain qualified candidates for office. Additionally, if the independent Salary Commission determines that commissioner salaries need to be revised, such revised salary cannot exceed the salary that would otherwise be determined by state law regarding the salary of county commissioners in non-charter counties. All meetings of the independent Salary Commission shall be open to the public and conducted in accordance with Florida's open-government and sunshine laws, and the independent Salary Commission must hold at least one (1) public hearing prior to finalizing its review. The independent Salary Commission shall provide its final conclusions, including any salary revisions, to the Board of County Commissioners in a written report prior to adoption of the County Budget for the ensuing fiscal year.
- E. All determinations, including any salary revisions, made by the independent Salary Commission in its written reports shall be final and the Board of County Commissioners shall include the salary, determined by the independent Salary Commission in the County Budget for the ensuing fiscal year without modification or amendment.<<

**ITEM B**

**Kerbel - Commissioner Term Limits**

**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]]~~ >>2028<<, no person shall be elected as Commissioner for more than ~~[[two]]~~ >>three<< 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.]]~~ >>However, for any Commissioner who was already in office prior to November 2028, the previous limit of two consecutive terms established in 2012 shall still apply.<<

**ITEM B – ALTERNATE**  
**Eikenberg – Mayoral and Commissioner Term Limits**

**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]]~~ >>2028<<, no person shall be elected as Mayor for more than ~~[[two]]~~ >>three<< 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.]]~~ >>However, for any County Mayor who was already in office prior to November 2028, the previous limit of two consecutive terms established in 1996 shall still apply.<<
- E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in ~~[[2012]]~~ >>2028<<, no person shall be elected as Commissioner for more than ~~[[two]]~~ >>three<< 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.]]~~ >>However, for any Commissioner who was already in office prior to November 2028, the previous limit of two consecutive terms established in 2012 shall still apply.<<

**ITEM C**

**Kerbel - Revised Commissioner Term Limits**

**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 >> except as provided for in subparagraph (F) of this section<<. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two term limit.

>>F. A Commissioner who has been elected to two consecutive four-year terms may seek election to a third consecutive four-year term only if the voters of the Commissioner's district approve the Commissioner's candidacy for a third consecutive term by a majority of votes cast at a district-wide election, to be held in conjunction with the next Primary Election following commencement of the Commissioner's second consecutive term, unless the Commissioner opts out of such election by filing a written declaration with the Clerk of the Board, with a copy to the Supervisor of Elections, indicating the Commissioner's intent not to seek candidacy for a third consecutive term no later than noon on the 70<sup>th</sup> day prior to the date of the Primary Election.<<

**Commissioner Salary and Benefit Values**

	FY 22-23		FY 23-24		FY 24-25		FY 25-26	
	Annual Compensation	Biweekly Payment						
<b>Salary Per Charter</b>	\$ 6,000.00*	\$ 230.77	\$ 6,000.00*	\$ 230.77	\$ 6,000.00*	\$ 230.77	\$ 6,000.00*	\$ 230.77
<b>Executive Benefit Group Package</b>	\$ 18,000.00	\$ 692.31	\$ 18,360.00	\$ 706.15	\$ 19,186.00	\$ 737.92	\$ 19,605.00	\$ 754.04
<b>Car Allowance</b>	\$ 10,500.00	\$ 403.85	\$ 10,710.00	\$ 411.92	\$ 11,192.00	\$ 430.46	\$ 11,437.00	\$ 439.88
<b>Expense Allowance</b>	\$ 43,000.00	\$ 1,653.85	\$ 43,000.00	\$ 1,653.85	\$ 43,000.00	\$ 1,653.85	\$ 43,940.00	\$ 1,690.00
<b>Total Payment</b>	<b>\$ 77,500.00</b>	<b>\$ 2,980.77</b>	<b>\$ 78,070.00</b>	<b>\$ 3,002.69</b>	<b>\$ 79,378.00</b>	<b>\$ 3,053.00</b>	<b>\$ 80,982.00</b>	<b>\$ 3,114.69</b>

Retirement Contributions (County)	2023	2024	2025	2026
<b>401(a) - IRS Annual Contribution Limits</b>	\$66,000	\$69,000	\$70,000	TBD

\* Does not include COLA

**Mayor's Salary and Benefit Values**

Mayor's Compensation	FY22-23		FY 23-24		FY 24-25		FY 25-26	
<b>Annual Salary</b>	\$200,000.00*		\$200,000*		\$200,000 (\$206,000)**		\$206,000.00	
<b>Executive Benefit Group Package</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Car Allowance</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Expense Allowance</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

\* Does not include COLA

\*\* Includes 3% COLA effective 3/31/25

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its third meeting at the Miami-Dade County Main Library, 101 W Flagler Street, Miami, FL 33130; on August 25, 2025 at 10:26 a.m.

**I. Roll Call**

In attendance were the following Task Force members:

- ~ Mr. Rafael E. Granado;
- ~ Mr. Eric Eikenberg;
- ~ Ms. Iris Escarra;
- ~ Mr. Robert H. Fernandez;
- ~ City of Homestead Mayor Steven D Losner;
- ~ Ms. Rebecca Wakefield;
- ~ Former Miami-Dade County Commissioner Dennis Moss;
- ~ Ms. Stephanie V. Daniels;
- ~ Town of Miami Lakes Mayor Joshua Dieguez;
- ~ Vice Chairman Michael Redondo, (State Representative for House District 20); and
- ~ Chairman Dennis Kerbel.

The following Task Force members were absent:

- ~ Mr. Jose Jimenez;
- ~ Former City of North Miami Mayor Andre D. Pierre;
- ~ Former City of Miami Shores Mayor Crystal Wagar; and
- ~ Senator Alexis Calatayud

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

- ~ Assistant County Attorneys (ACA) Michael Valdes and Jose D Vazquez;
- ~ Mr. Oren Rosenthal, Attorney, Supervisor of Elections (SOE);
- ~ Mr. Maurice Kemp, Deputy Mayor, Office of the Mayor;
- ~ Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- ~ Ms. Tivia Rouland, Mayor's Aide, Office of the Mayor;
- ~ Mr. Ryan Lafarga, Senior Advisor, Office of Management and Budget;
- ~ Mr. Raul Mas, Business Analyst, Office of Management and Budget (OMB);
- ~ Mr. Phil Edwards, Chief Intergovernmental Affairs Department of Transportation and Public Works (DTPW)
- ~ Mr. Erik Morales, Deputy General Counsel, Miami-Dade Sheriff's Office (MDSO);
- ~ Mr. Luis Montaldo, General Counsel, Clerk of the Court and Comptroller (COCC);
- ~ Ms. Barbara Galvez, Chief Administrative Officer, COCC;

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

~ Mr. Gerardo Gomez, General Counsel, Miami-Dade County Office of the Tax Collector; and  
~ Ms. Selena Hadley, Deputy Clerk, Clerk of the Board.

## **II. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Dennis C. Moss.

## **III. Reasonable Opportunity for the Public to be Heard**

Chairman Dennis Kerbel opened the reasonable opportunity to be heard. Seeing no one come forward to speak, the reasonable opportunity to be heard was closed.

## **IV. Charter Matrix Presentation**

Mr. Ryan Lafarga presented a comprehensive analysis examining how five home rule charter Counties addressed constitutional officers in their charters. The analysis focused on Broward, Hillsborough, Orange, Pinellas, and Palm Beach Counties. Volusia County was excluded because its charter had not been updated to reflect Amendment 10 structure, with its next charter review scheduled for 2026.

The analysis examined three key areas: (1) how constitutional officers were referenced within each charter; (2) whether constitutional officers had the ability to be heard or place items directly before the board; and (3) whether charters authorized interlocal agreements or contractual arrangements between the County and constitutional offices for joint services.

Mr. Lafarga noted that Orange County was the only jurisdiction structurally comparable to Miami-Dade County with a strong mayor, though Orange County also had a County administrator appointed by the mayor and confirmed by the Board of County Commissioners.

Mr. Lafarga reported the following key findings:

**Clerk of the Circuit Court:** Structural variations existed across the five Counties. Broward County retained comptroller functions following a 2020 referendum pursuant to House Bill 989, a special law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel confirmed that this approach would not be available to Miami-Dade County due to a constitutional prohibition preventing the legislature from passing special laws relating exclusively to Miami-Dade County, as explained by ACA Valdez.

Orange County had separately elected Clerk and Comptroller positions, while Hillsborough, Palm Beach, and Pinellas Counties had a single official serving both roles, similar to Miami-Dade County's structure.

County-specific provisions included:

- Broward County: All constitutional offices were subject to the County Code of ethics;
- Orange County: The Comptroller was required to analyze the impact of potential charter duties; and
- Pinellas County: All five constitutional officers served on the County attorney's oversight committee

**Property Appraiser:** Provisions were similar across Counties. In Orange County, the Property Appraiser was subject to audits by the Comptroller. Palm Beach County elected the position on a nonpartisan basis and specifically defined the Property Appraiser as a constitutional officer in the charter.

**Sheriff:** Broward County subjected the Sheriff to the County Code of ethics and outlined the Board's duty to provide methods of funding for law enforcement services in unincorporated areas.

**Supervisor of Elections:** Mr. Lafarga noted a scrivener's error on the presentation slide relating to Broward County, which should reference Section 7.01(F). In Hillsborough County, the charter review board was required to file proposed amendments with the Supervisor of Elections (SOE), who must place amendments on the ballot. For citizen-initiated petition amendments, the SOE certified start and end dates, verified signatures, and placed measures on the ballot.

**Tax Collector:** Broward County underwent a transition similar to Miami-Dade County on January 7, 2025, converting the Tax Collector department to an elected position. However, the Tax Collector was not recognized as a constitutional officer in Broward County's charter, requiring the County to address this in their next charter review scheduled for 2030.

Mr. Lafarga concluded the presentation highlighting the following findings:

For Hillsborough, Orange, Palm Beach, and Pinellas Counties, the charters contained no mention of provisions allowing constitutional officers to be heard or place items on agendas. Broward

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

County was the only jurisdiction addressing two of the three research areas: providing that any person had the right to be heard at commission meetings, and authorizing the County attorney to represent constitutional officers. Mr. Lafarga emphasized that Section 3.07(B) of the Broward County charter contained a significant provision stating that all operational services shall be made available to constitutional offices at cost.

Referencing the information provided related to the SOE, Chairman Kerbel noted that some charters assigned certain functions to supervisors of elections and asked whether such provisions would be consistent with Amendment 10 or represented outdated language.

ACA Valdez advised that the provisions in the formal charters predated Amendment 10 and had not been updated since its passage. He explained that these provisions imposed certain requirements and responsibilities on the SOE concerning petition receipt and verification. ACA Valdez noted that the Supervisor was the only County officer with the means to verify petition signatures against registered voters.

Mr. Rosenthal explained that Amendment 10 changed what County charters could require constitutional officers to do. He cited case law which had previously allowed Counties to place additional duties on constitutional officers because Counties could abolish those offices. Since Counties had the power to eliminate the offices entirely, they could also add extra responsibilities without violating the Constitution.

Mr. Rosenthal noted that no court had addressed these issues since the 2018 amendments, leaving the legal question unresolved. He explained that the Supervisor's position matched the County Attorney's view: if State law assigned a duty to the Supervisor of Elections—such as verifying petition signatures—the charter could require or request performance of that duty. However, if the charter attempted to impose requirements beyond those authorized by State law, such provisions would be legally problematic.

Chairman Kerbel inquired about provisions in other County charters that subjected one constitutional officer to be audited by the Comptroller, asking whether such arrangements were consistent with Amendment 10.

Mr. Luis Montaldo concurred with the legal analysis presented by Mr. Rosenthal regarding charter provisions that predated Amendment 10. Mr. Montaldo noted that many such provisions likely had not been challenged or revised following the amendment's implementation. He reasoned that should constitutional officers elect to exercise powers granted under the Florida Constitution and applicable Statutes, established case law would clearly establish that certain governmental functions within Counties remain exclusive to the Clerk's authority.

**CLERK'S SUMMARY OF MINUTES**  
**CHARTER REVIEW TASK FORCE**  
**AUGUST 25, 2025**

ACA Valdez indicated that legal opinions and case law suggested Counties lacked authority to impose such arrangements on constitutional officers. He noted, however, that most relevant precedents predated Amendment 10 and relied on reasoning potentially affected by the amendment's changes. ACA Valdez observed that no cases had interpreted these provisions post-Amendment 10, describing the legal landscape as uncharted territory.

Mr. Rosenthal informed the Task Force that the SOE had voluntarily contracted with the COCC for auditing services, recognizing the Clerk's expertise in this area. He Stated that such interlocal agreements represented a better approach than imposing potentially challengeable charter provisions, noting that voluntary cooperative agreements avoided constitutional concerns while achieving practical objectives.

In response to Commissioner Moss' inquiry as to how other Counties had updated their charters to address Amendment 10, Mr. Lafarga confirmed most of the Counties had not updated their charters since Amendment 10's passage, with only Orange County and Pinellas County completing charter updates in 2024. Mr. Lafarga advised that both Counties were required to adhere to Amendment 10 requirements despite their charters containing pre-Amendment 10 language.

Commissioner Moss voiced his objections to the proposed charter amendment granting constitutional officers the right to address the Board and add agenda items. He noted that he found no precedent for such provisions among major Counties or municipalities and pointed out that legislative bodies maintained control over their own agendas and procedures—a practice mirrored by the Florida Legislature at the State level.

Commissioner Moss cautioned against establishing potentially problematic precedents, and reiterated he would not support incorporating these provisions into Miami-Dade's charter, as they would represent a significant departure from established legislative governance standards and could undermine the Board's procedural authority.

Ms. Iris Escarra sought clarification regarding the distinction between "Clerk of the Board" and "Clerk of the Circuit Court and Comptroller" as referenced in Florida Statutes Section 28.12, noting potential confusion in the charter's use of these terms.

ACA Valdes outlined the three distinct functional capacities of the Clerk's office. As Clerk of the Circuit Court, the Clerk served as an officer of the court performing judicial functions. As Comptroller, the Clerk acted as custodian of County funds and County auditor—roles explicitly defined in the Florida Constitution. As Clerk of the Board, the Clerk functioned as County recorder and performed ministerial duties on behalf of the Board.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

ACA Valdes clarified that the County possessed regulatory authority over the Clerk only when acting in the "Clerk of the Board" capacity. He cited existing provisions in State Statutes and County Code that direct the Clerk of the Board to transmit resolutions or ordinances to designated locations. ACA Valdes emphasized this ministerial function was legally distinct from the Clerk's constitutional roles as court officer or comptroller, where the County lacked authority to impose additional requirements. He concluded that established legal precedent supported the County's ability to mandate specific ministerial actions from the Clerk of the Board, independent of the Clerk's constitutionally protected duties.

## **V. Agenda Items**

### **A. Proposed Technical Changes**

Before proceeding to the constitutional officers' proposed charter amendments, Chairman Kerbel requested an update from staff regarding the status of technical changes that had been discussed at previous meetings.

The Task Force members were advised that staff had prepared a preliminary list of non-substantive edits to the charter and transmitted them to the County Attorney's Office on August 11, 2025. He explained these technical changes included updating outdated references throughout the charter, such as changing "Dade County" to "Miami-Dade County," correcting inconsistent capitalization, updating gender-neutral terminology, changing "he" to "he or she," and removing small parenthetical references. It was further clarified these were stylistic corrections to ensure consistency where amendments over time had created variations in terminology.

ACA Valdes confirmed the County Attorney's Office had reviewed the preliminary list and found the proposed changes acceptable. He emphasized all changes were technical in nature and could be presented at any Task Force meeting as appropriate. ACA Valdes explained these were minor stylistic changes to ensure conformity and consistency within the charter where the same terms may not have been used uniformly over time due to piecemeal amendments. He noted none of these changes would constitute material alterations requiring detailed description in a charter amendment ballot question, and all could be described collectively as "technical changes."

ACA Valdes further explained that technical changes potentially required as a result of Amendment 10 could be discussed through the current meeting's review process. He suggested the Task Force could determine whether to combine Amendment 10-related technical corrections with the other stylistic changes or handle them as separate items, deferring to the Task Force's preference on how to proceed.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel indicated his intention to first complete the review of constitutional officers' proposed changes at the current meeting, then present the compiled technical changes list at the next Task Force meeting. He suggested that after reviewing the technical changes, the Task Force could determine whether Amendment 10-related modifications concerning constitutional officers should be consolidated with the general technical changes or whether constitutional officers' items should stand alone as a separate ballot question, with technical changes forming an independent question. Chairman Kerbel noted the guiding principle that fewer ballot questions would be preferable for public clarity and understanding. He indicated this approach would also allow the Task Force to identify whether other substantive changes might fit into either category as discussions progressed.

**B. Proposed Amendments/Revisions to the Home Rule Charter as recommended by the Constitutional Offices**

Chairman Kerbel thanked Mr. Rosenthal and Mr. Montaldo for preparing the consolidated document containing all proposed changes for the Task Force's consideration.

Mr. Rosenthal clarified that the proposal represented a collaborative effort by all five constitutional officers, who had jointly reviewed and endorsed the presented language.

Mr. Rosenthal identified a typographical error in Section 1.01A(21), explaining that the strikethrough formatting should apply only to the double-bracketed phrase "and County officers," while the word "constitution" should remain intact.

**Section 1.01A(4)**

Chairman Kerbel indicated that based on discussions from the previous Task Force meeting, concerns had been raised about striking the phrase "provide traffic control" from Section 1.01A(4). He noted the Department of Transportation and Public Works (DTPW) was present to provide comment on the County's traffic engineering and traffic control functions.

Chairman Kerbel opened the floor to the Department of Public Works Administration to comment regarding the County's traffic engineering and traffic functions.

Mr. Phil Edwards reported that the department had conducted a comprehensive review of Florida Statutes, the charter, and the County Code. Based on this analysis, the department concluded that "traffic control" referred specifically to traffic infrastructure which included the design, planning, operation, and construction of traffic control devices such as signs, signals, and markings, all functions performed by County engineers.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Given these findings, Mr. Edwards recommended maintaining the current charter language, which granted the Board jurisdiction over these operations through the DTPW. He further clarified that was in contrast to traffic enforcement, the process of enforcing compliance with traffic control devices, which fell under the Sheriff's Office's jurisdiction.

Ms. Stephanie Daniels inquired whether specifying "traffic control infrastructure" would more effectively distinguish between the two functions and provide greater clarity.

In response, Chairman Kerbel initially suggested retaining "provide traffic control" in the charter while simply striking "and central crime investigation." He offered this as an alternative option for the Task Force's consideration.

Ms. Daniels stated she would prefer to remove or strike "and police protection" from the provision as well, given that the Task Force was already considering the removal of "central crime investigations." She argued for consistency in addressing both elements.

Chairman Kerbel sought clarification on Ms. Daniels' proposal, observing that "police protection" appeared earlier in the provision alongside "central records, training, communications, and police protection." He noted this clarification was essential to the full understanding of the precise language that would be modified by the suggested revision.

ACA Valdes reminded the Task Force that he remained available to provide legal opinions distinguishing between changes mandated by Amendment 10 and those representing discretionary policy decisions.

Chairman Kerbel asked ACA Valdes to categorize the proposed modifications to Section 1.01A(4) according to this framework.

ACA Valdes explained that based on discussions from the previous Task Force meeting, "traffic control" could encompass a broader definition beyond exclusively law enforcement functions, consistent with the department's recent clarification. He stated this language was not required to be removed under Amendment 10. In contrast, ACA Valdes confirmed that "central crime investigation" constituted a function performed by the Sheriff and would need to be addressed in the charter, as it was no longer a County function.

Regarding the provision's final portion concerning a "uniform system for fire and police protection," ACA Valdes referenced Section 1.01A(18) of the charter, which addressed the Board's authority to establish minimum standards within municipalities. He noted that while the County no longer operated its own Countywide police department, it retained the ability under its home rule charter to regulate or set minimum standards for municipal police departments. Consequently, ACA Valdes stated this language would not require complete deletion but rather

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

would be narrowed in scope to apply only to establishing minimum standards for municipal police departments, an authority that remained valid post-Amendment 10.

Chairman Kerbel questioned whether the phrase "and police protection" in the first line should be stricken to maintain consistency with Amendment 10.

ACA Valdes clarified that certain listed functions remained County responsibilities despite Amendment 10. He noted that communications for police protection, such as the 911 system, continued under County jurisdiction. Similarly, the County retained responsibility for providing facilities to the Sheriff, including central records and training facilities. While the County did not directly manage police records, it provided the infrastructure for accessing them and the physical facilities where these functions occurred. Based on this analysis, ACA Valdes advised that these provisions did not require deletion.

ACA Valdes explained that State law could evolve over time, while the charter required a general election to amend. He noted that provisions currently embedded in State law represented only a snapshot of requirements at that moment. Since State law could change but charter amendments demanded voter approval, maintaining flexibility in the charter language would allow the County to adapt to future statutory changes without requiring repeated charter revisions through the ballot process.

Discussions ensued among the Task Force members regarding the decision-making process and scope of review. Clarification was sought on whether the County would present alternative language options or if the Task Force intended to make immediate decisions on the provisions being considered. Additionally, questions were raised about whether the deliberations would be limited to the constitutional officers' proposed version alone, or if the Task Force would also hear and consider the County administration's position.

Chairman Kerbel stated his understanding from previous conversations was that the administration might not take specific positions on all provisions, but they could comment if they wished.

It was confirmed that the administration had relevant departments present to respond to specific suggested revisions. He explained that as suggested changes were presented, the administration would consult appropriate departments for feedback, and if departments felt edits needed to be reviewed or had supervisory concerns, they would present their positions to the Task Force.

Chairman Kerbel opened the floor to representatives from the Constitutional Officers to provide comment on the provision. However, no one from the Constitutional Officers came forward to speak on the matter.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Ms. Daniels inquired whether the reference to "police protection" in the language fell within the department's operational scope.

Discussion ensued regarding the phrase "provide traffic control and central crime investigation" and it was suggested that these functions were intended for police operations rather than County departments.

Ms. Escarra proposed specifying "traffic control infrastructure" to distinguish between the County's infrastructure responsibilities and law enforcement activities, noting that police involvement would be necessary during emergency situations.

Mr. Edwards explained that the department's principal objective was eliminating ambiguity between "traffic control" and "traffic enforcement," with enforcement clearly under the Sheriff's Office jurisdiction. He stated the department considered the existing language sufficiently clear and consistent with traffic control definitions established in Florida Statutes and County code. He emphasized that the department did not wish to alter its comprehensive approach to managing traffic infrastructure, which encompassed planning, design, implementation, construction, and regulation of traffic control devices including signs, signals, and markings.

Commissioner Moss proposed simplified language stating "provide traffic control but not enforce" as a potential resolution to the concerns raised.

Mr. Edwards confirmed that retaining "traffic control" as written would be acceptable to the department. He explained that the County Code contained multiple sections with detailed provisions defining traffic control more broadly to encompass how the department planned, designed, implemented, constructed, and regulated traffic infrastructure, including signs, signals, and traffic control devices. He emphasized that the department wished to preserve this established framework for managing traffic infrastructure operations.

Mr. Eikenberg moved that in Section 1.01A(4), working from the constitutional officers' joint proposal, the Task Force reinstate "provide traffic control" and strike "and central crime investigation."

Chairman Kerbel proffered a friendly amendment to add "provide traffic control but not enforcement" which was accepted by Mr. Eikenberg.

ACA Valdes clarified that enforcement could occur by entities other than law enforcement officers such as Fire Rescue personnel at the scene of a crash. He suggested that if clarification was desired, specifying "enforcement by law enforcement" would be more precise to distinguish it from the Sheriff's Office's law enforcement functions.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Mayor Dieguez questioned whether adding new language to the charter provision might confuse voters and asked ACA Valdes whether it would be better to retain the existing charter language rather than introduce additional text that could create ambiguity on the ballot.

Chairman Kerbel withdrew the friendly amendment and proposed instead to retain "provide traffic control" and strike "and central crime investigation."

Ms. Daniels noted that the final sentence of the paragraph also required consideration.

Chairman Kerbel explained the Task Force was addressing the provisions sequentially, but Ms. Daniels could make a motion on the entire section if preferred.

Ms. Daniels noted that the final sentence of the paragraph also required consideration.

Chairman Kerbel explained they were addressing the provisions sequentially. However, he indicated Ms. Daniels could make a motion addressing the entire Section 1.01A(4) if she preferred that approach.

Mayor Stephen Losner raised a concern about the language in the first sentence of Section 1.01A(4). He questioned whether the word "police" should be struck from the phrase "provide central records and training for police." He reasoned that if the County was providing central records and training for police, this might not accurately reflect the intended meaning, particularly given that the provision also addressed two separate systems of public records requests.

Mayor Losner explained that the City of Homestead police department maintained its own records due to their sensitive nature, and public records requests were handled directly through the police department rather than through the municipal clerk. Based on this operational structure, he suggested that maintaining constitutional separation would require striking "for police" from the first line of the provision.

Chairman Kerbel asked ACA Valdes to address this concern regarding central records and training.

ACA Valdes explained that under current State law, systems such as 911 remained a County responsibility, with the County required to designate a 911 coordinator in collaboration with the Sheriff. Consequently, communications for fire and police protection could continue as a County function under existing State law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

ACA Valdes clarified that the central question was whether Amendment 10 mandated this change and stated that while the Task Force had discretion to recommend striking this language, Amendment 10 did not require its removal.

Ms. Daniels asked for clarification about the specific wording in question.

ACA Valdes explained that under State law, the County retained responsibility for providing the physical facilities where these functions were conducted. He noted that the Sheriff and other constitutional officers lacked independent authority to lease property in their own names. As a result, the County remained obligated to provide facilities for constitutional officers' operations.

ACA Valdes further clarified that whether addressing central records facilities, communications and 911 buildings, or training facilities, all such infrastructure had to be provided by the County under existing legal requirements.

Chairman Kerbel asked whether adding the phrase "to the extent consistent with the constitution or State law" at the end of the provision would adequately address the concerns raised.

ACA Valdes responded that such language could be added, but noted that the charter was always interpreted in conjunction with constitutional and State law requirements. He explained that this represented an ongoing obligation the County currently maintained, meaning the additional clarifying language was not strictly necessary.

Commissioner Moss requested clarification on what "provide central records, training, and communications" actually entailed. He asked whether this referred to physical facilities and space, whether the County was responsible for providing actual training content, and whether the language provided adequate clarity.

ACA Valdes responded that the provision could encompass all of these elements, depending on how the County chose to manage these functions but at minimum, the County was required to provide the physical facilities for these operations. He noted that when these provisions were originally drafted, the County operated its own police departments, giving the County a broader operational role than it held under the current structure with the Sheriff's Office. However, the County retained responsibility for providing the facilities where records management, training, and communications activities took place.

Commissioner Moss asked if the County was responsible for providing training to police and fire personnel.

ACA Valdes clarified that fire training remained a County function, but police training was provided by the Sheriff.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Commissioner Moss asked for clarification on whether "communications for fire and police" referred specifically to the 911 system that the County oversaw.

ACA Valdes confirmed the 911 system could fall under that category, though he acknowledged there were likely other communication systems used exclusively by police that would not necessarily be operated or managed by the County except through contracts to manage them on behalf of the Sheriff's Office. He confirmed the 911 system in particular was a County responsibility and invited input from the Sheriff's Office.

Mr. Erik Morales stated that the Sheriff's Office shared a similar interpretation of the provision. He advised that the office opposed removing "police protection" because it could encompass providing central records locations and communications functions. Mr. Morales acknowledged that training was less clearly connected, but the Sheriff's Office concluded it should remain in the provision.

Ms. Daniels expressed confusion about the provision's structure. She noted that while the County Attorney explained the County could provide facilities for the Sheriff, the provision's final language already addressed this by stating the County shall provide fire stations, jails, and related facilities. She observed this was currently accomplished through Sheriff's Office police stations throughout the County. Ms. Daniels questioned the necessity of retaining "police protection" in the earlier part of the provision, though she acknowledged its inclusion if deemed necessary.

Ms. Escarra proposed an alternative approach: creating one dedicated sentence addressing all police-related matters, with remaining County functions addressed separately. She argued this structure would provide greater clarity and simplicity. Ms. Daniels expressed concern that terms like "police protection" and "training" could be misinterpreted as circumstances changed over time. Given the complex legal landscape with multiple attorneys potentially offering differing interpretations, she suggested a clearer organizational structure would better serve future readers of the charter.

Chairman Kerbel recommended making minimal changes to Section 1.01A(4), which addressed the County's powers and duties. He stated traffic control must remain in the charter because it described a necessary County function and explained this section enumerated County powers rather than mandatory duties.

Chairman Kerbel proposed three specific modifications to Section 1.01A(4). First, retain "provide traffic control" in the charter language. Second, strike "and central crime investigation" because this function fell under the Sheriff's constitutional authority. Third, retain "any police protection" but insert the word "municipal" before it.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel explained this approach would preserve County authority to establish Countywide standards for municipal police departments while properly recognizing the Sheriff's exclusive jurisdiction over central crime investigations.

Discussion ensued among the Task Force members regarding the proffered friendly amendment and Commissioner Moss' earlier suggestion to add language "but not enforcement," which had previously been accepted.

Chairman Kerbel withdrew his initial suggestion to add clarifying language such as "but not enforcement" to the charter's "provide traffic control" provision in Section 1.01A(4), and supported keeping "provide traffic control" in its original form while striking only "and central crime investigation," concluding that retaining familiar charter language with established interpretation was preferable to introducing new phrases that might complicate voter comprehension or create unintended legal ambiguities.

Commissioner Moss stated he was comfortable not including the enforcement language, but expressed concern that at some point in the future, disagreements might arise where parties would reference the charter with different interpretations. He emphasized that while he understood the desire to minimize changes, he believed clarifying the difference between the Sheriff's Office functions and County functions was important. Commissioner Moss commented that the County was navigating uncharted territory with constitutional officers now functioning as separate entities. He expressed concern that ambiguous charter provisions could lead to future litigation when different parties offered competing interpretations of the language.

Chairman Kerbel inquired whether adding the qualifier "but not law enforcement" after "traffic control" would create any complications for the provision.

Mr. Edwards responded that the department would prefer keeping the language as written. Addressing Commissioner Moss' concerns, he stated that DTPW would work with the Sheriff's Office as needed through interlocal agreements to address any jurisdictional issues.

Hearing no further questions or comments, Chairman Kerbel moved to: 1. Retain "provide traffic control,"; 2. Strike "and central crime investigation,"; and 3. Retain "any police protection" but insert "municipal" to read "municipal police protection." This motion was seconded by Mr. Eric Eikenberg and upon being put to a vote, the motion passed by a vote of 10-1 (Ms. Wakefield voted "no").

**Section 1.01A(19)**

Chairman Kerbel requested clarification as to whether the revised language would adequately address situations where State law changed. Specifically, he asked whether the provision would

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

permit the County Commission to exercise authority over functions if State law were to change in the future.

ACA Valdez confirmed that the proposed amendment to Section 1.01, Subsection 19 included language stating the Board would have no power to abolish or impair the jurisdiction of County constitutional officers "except as otherwise provided by the Constitution or by general law, except as set forth therein."

When asked whether this language would allow the County Commission to exercise authority over constitutional officers if State law changed in the future, ACA Valdez explained that if general law provided the Board with specific authority to regulate or direct certain powers and duties of County constitutional officers, that authority would be available to the Commission under the charter.

ACA Valdez clarified this provision was forward-looking and noted it would not only preserve any current statutory authority the Board had over constitutional officers in limited circumstances, but would also apply to any future State laws that might grant such authority.

Mr. Rosenthal emphasized that the proposed charter language also served to protect and preserve existing State law provisions that currently granted the Board limited authority over constitutional officers.

Mayor Losner moved to approve Section 19 as proposed to strike language about abolishing constitutional officers and add language about not impairing jurisdiction. This motion was seconded by Mr. Eikenberg, and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Section 1.01A(20)**

Referencing the proposed changes to strike "reports of all county officers"; Chairman Kerbel questioned whether commissioners and the mayor were also considered "County officers."

ACA Valdes confirmed that the term "County officer" was broader than just County constitutional officers and also included County commissioners, the mayor, and other individuals who acted on behalf of the County as officers but were not necessarily County employees.

Chairman Kerbel expressed concerns about the change being overly broad.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Mayor Dieguez moved to reject the proposed changes to Subsection 20. The motion was seconded by Mr. Eikenberg, and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Section 1.01A(21)**

The Task Force moved to consider Section 1.01A(21) noting the correction as previously stated by Mr. Rosenthal.

Commissioner Moss moved to accept the proposed changes. This was seconded by Ms. Escarra.

ACA Valdes noted that "County officers" in this subsection represented a broader definition than just County constitutional officers, which was something for the Task Force to consider.

Chairman Kerbel asked whether there were powers and privileges granted under State law to County commissioners or the County mayor that would be affected by removing the reference to "County officers" in this provision.

Assistant County Attorney Valdes responded that he could not identify any specific instances at that time.

ACA Valdes further noted that pursuant to Amendment 10, to the extent that duties and functions resided with county constitutional officers, there did not need to be a change in the charter to prohibit something Amendment 10 already prohibited. He explained these provisions could already be read as written in conformity with Amendment 10 because the power was not provided to the County commission under Amendment 10.

Chairman Kerbel inquired whether the proposed changes would be classified as consistent with Amendment 10 but not required, referencing ACA Valdes's framework for categorizing charter amendments.

ACA Valdes confirmed the assessment.

Mr. Rosenthal contended that the Florida Constitution defined "county officers" as the five constitutional officers, and retaining this language in Section 1.01A(21) without modification would incorrectly suggest the Board could exercise powers belonging to constitutional officers through the home rule charter. He explained that the constitutional officers sought this amendment to eliminate potential confusion and prevent future attempts whether through legislative action or litigation, to claim County authority over powers that Amendment 10 explicitly reserved to constitutional officers. While acknowledging that "county officers" might

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

refer to the mayor or commissioners, Mr. Rosenthal contended those individuals' duties were already encompassed by the term "counties" elsewhere in the paragraph. He concluded that leaving the provision unchanged would contradict Amendment 10's restrictions and create inconsistency with other charter revisions the Task Force was considering.

ACA Valdes responded that given the changes to subsection 19 as recommended, he did not necessarily think clarity was needed in subsection 21 as well, because there was already express language in subsection 19 stating "provided, however, there shall be no power to abolish the superintendent of public instruction or," with the revised language, "to abolish or impair the jurisdiction, responsibilities, powers or duties of the county constitutional officers."

Vice Chairman Redondo sought confirmation that subsection 19, which prohibited the Board from abolishing or impairing the jurisdiction, responsibilities, powers, or duties of county constitutional officers, already provided protection against any potential overreach that might be implied by the language in subsection 21.

ACA Valdes confirmed this was correct.

Chairman Kerbel asked whether it would be more appropriate to use "County Officers" with capital letters as a defined term versus "county officers" with lowercase letters.

ACA Valdes explained that officers were referenced elsewhere in the charter specifically as constitutional officers.

Mr. Rosenthal acknowledged that the charter was drafted before constitutional officers became separate entities, resulting in inconsistent capitalization of terms like "county officers." He disagreed with the County attorney's interpretation, arguing that subsections 19 and 21 served different functions. Subsection 19, he explained, prohibited the Board from impairing or abolishing constitutional officers' powers—essentially preventing the Board from interfering with constitutional officers' ability to perform their duties. Subsection 21, however, affirmatively granted the Board power to act independently, and under its current language, appeared to authorize the Board to exercise constitutional officers' powers directly. Mr. Rosenthal contended that subsection 19's protections did not fully constrain subsection 21's grant of authority, creating a problematic distinction between the two provisions. He concluded that retaining language suggesting the Board could exercise constitutional officers' powers would contradict the voters' intent in approving Amendment 10, which explicitly reserved those powers to the constitutional officers themselves.

Mr. Montaldo echoed Commissioner Moss's earlier point about the importance of providing clarity to constituents. He explained that the Clerk's Office regularly distributed copies of the home rule charter at meetings and events, and members of the public frequently referenced it

**CLERK'S SUMMARY OF MINUTES**  
**CHARTER REVIEW TASK FORCE**  
**AUGUST 25, 2025**

when dealing with initiative petitions and other matters. Mr. Montaldo noted that while he understood legal positions sometimes required technical precision, if the Task Force could reach consensus on clear language that was legally sound, that clarity would benefit the public. He emphasized that constitutional officers like the Supervisor of Elections (SOE) and the Clerk routinely fielded questions from constituents about charter provisions, and ambiguous language created complications and frustration for residents trying to understand their rights and county processes.

Ms. Wakefield suggested creating a dedicated subsection for constitutional officers to improve clarity for residents, noting that while the mayor and commission had clearly delineated sections, constitutional officers were scattered throughout the charter. She explained that a layperson trying to understand their property appraiser's or tax collector's authority would benefit from a consolidated section rather than piecing together information from multiple provisions.

Responding to Chairman Kerbel's question whether she envisioned adding a definitional provision at subsection 19, where constitutional officers were first mentioned, Ms. Wakefield clarified she did not have specific language prepared but emphasized that such a section, whether through restating or consolidating existing provisions, would help voters clearly understand how constitutional officers differed from other county officials.

Ms. Escarra suggested the constitutional officers' counsel return with proposed definitional language. She asked whether "county officers" was defined anywhere as a specific term and whether there was an appropriate location in the charter to define both "county officers" and "county constitutional officers" with proper capitalization. Ms. Escarra noted that since the Task Force was reviewing provisions section by section and would need to modify various provisions throughout the charter, he wanted to ensure all necessary changes were captured correctly.

ACA Valdes noted that Chairman Kerbel had identified Section 9.01, which previously outlined the history of abolishing county constitutional offices and clearly required revision or deletion. He suggested this section presented an opportunity to insert definitional language clarifying who the "County Constitutional Officers" were, allowing that term to be used consistently throughout the charter. This would distinguish County Constitutional Officers who were subject to and impacted by Amendment 10, from "county officers", a broader category that could include the Board of County Commissioners, the mayor, or other officials within county government.

Ms. Escarra moved that the County attorney's office come back with proposed language that clarified "county officer," and "County Constitutional Officer," with proper case usage (upper case versus lower case) for the Task Force to consider at the next meeting. This motion was seconded by Mr. Robert Fernandez and upon being put to a vote, passed 11-0.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

**Section 1.01A(21)**

Chairman Kerbel stated that once the Task Force received the definitional provision clearly distinguishing "county officers" from "County Constitutional Officers," they should revisit subsection 21 to determine whether any modification was necessary.

Mr. Rosenthal indicated he did not believe changes would be necessary at that point.

It was moved by Mayor Dieguez to table Article 21 until the next CRTF to determine if changes were needed. This motion was seconded by Commissioner Moss and upon being put to a vote, the motion passed by a vote of 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Section 1.05(C)**

Chairman Kerbel directed the Task Force's attention to Section 1.05 and the proposed deletion of subsection (C). He deferred to ACA Valdes to clarify the nature of the proposed change.

ACA Valdes explained that this provision regulated County employees seeking elected office. He noted that the section had been previously reviewed during the 2018 charter review process and that its retention remained at the Task Force's discretion as deletion was not mandated by Amendment 10. ACA Valdes advised that the provision was originally designed to identify specific offices (the Board, the Mayor, the Clerk, and the Property Appraiser) for which County employees would be prohibited from running without taking a leave of absence, as these offices fell under County jurisdiction at that time.

Chairman Kerbel observed that if the underlying policy was to prevent County employees or officials from running for any County-related position without taking a leave of absence, the Task Force could maintain consistency by adding "or County Constitutional Officers" to the list rather than deleting the provision entirely.

Ms. Stephanie Daniels stated she would support adding constitutional officers to this section, thereby extending the requirement that County employees take a leave of absence before running for any constitutional office.

Chairman Kerbel proposed removing the specific references to the Clerk and Property Appraiser while adding "County Constitutional Officers" to maintain broader applicability without specifying individual offices.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Ms. Daniels moved to approve Section 1.05(C) as amended—striking the specific references to Clerk and Property Appraiser, adding "or County Constitutional Officers," and removing the word "or" to properly connect the three listed positions. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

Chairman Kerbel noted a grammatical error pointed out by Vice Chairman Redondo and confirmed it would be corrected to make Section 1.05(C) clearer.

**Section 3.03**

ACA Valdes confirmed that the proposed changes to this section were required by Amendment 10.

Hearing no questions or comments from Task Force members, Commissioner Moss moved to approve the section as proposed. The motion was seconded by Vice Chairman Redondo, and upon being put to a vote, the motion passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Section 3.04**

Chairman Kerbel questioned whether Section 3.04(A) should be kept in the charter or if candidate qualification procedures should instead default to general law.

County Attorney Valdes explained that under the Home Rule Amendment of the Florida Constitution, Miami-Dade County had authority to establish its own election methods for County Commissioners, including distinctive features like nonpartisan elections. However, the central question that emerged during the discussion concerned which official would serve as the "qualifying officer" for candidates.

Chairman Kerbel inquired whether the change from Clerk of the Circuit Court to Supervisor of Election was governed by Amendment 10.

ACA Valdes explained that much of the work was performed by a SOE employee deputized by the Clerk.

Discussion ensued about the possibility of changing the language to read "Clerk of the Board."

**CLERK'S SUMMARY OF MINUTES**  
**CHARTER REVIEW TASK FORCE**  
**AUGUST 25, 2025**

Mr. Rosenthal contended that Amendment 10 altered the legal framework governing this issue. He noted that Amendment 10's language, "notwithstanding the Home Rule Amendment", explicitly prohibited the transfer of duties assigned to the SOE under State law and advised that since State law designated the SOE as the qualifying officer for candidates, any charter provision assigning this duty to another officer, such as the Clerk of the Board, would violate Amendment 10.

Mr. Rosenthal cautioned that if the charter continued to designate the COCC as the qualifying officer, any candidate who qualified through the Clerk rather than the SOE could face legal challenges. He pointed out that an independent party could file a lawsuit arguing that such a candidate was not properly qualified and therefore ineligible to appear on the ballot, potentially voiding an election.

Commissioner Moss asked with the proposed changes was consistent with Amendment 10.

ACA Valdes noted that the "method of election" provision in the Home Rule Amendment had historically granted Miami-Dade County significant discretion. However, after considering the specific "notwithstanding" language in Amendment 10 referenced by Mr. Rosenthal, ACA Valdes acknowledged the complexity of the matter and indicated that while he believed the charter language needed to be changed to remove the reference to the Clerk of the Circuit Court, he wanted to conduct additional research on how Amendment 10's "notwithstanding" clause interacted with the Home Rule Amendment's method of election provision. ACA Valdes pointed out that this was particularly important because Miami-Dade County's unique election system—including nonpartisan primaries in August with November runoffs—depended on the authority granted by that provision.

Chairman Kerbel maintained that the charter required the removal of the reference to "Clerk of the Circuit Court" as it was not permitted by Amendment 10.

Mr. Montaldo stated in the event a petition for candidate qualification under the current charter language, which designated the Clerk of the Board as the qualifying officer, the office would promptly initiate a declaratory action with the court to seek clarification.

Discussion ensued as to whether the filing fee should be set by the charter or general law, the petition alternative to paying the fee (Section 3.04(B)), and whether the charter could mandate specific petition verification procedures for the SOE beyond state law.

Mr. Rosenthal clarified that while the charter could set parameters such as petition deadlines and qualification periods, it could not impose procedures on the SOE that conflicted with State law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Recognizing the legal complexity and the need for additional research, Mr. Eikenberg moved to table Section 3.04(A) until the next meeting. This motion was seconded by Commissioner Moss and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

Chairman Kerbel requested that when the item returned, the County Attorney provide clarifying language consistent with general law, particularly addressing whether the charter should state that candidates "shall qualify in accordance with the requirements of general law" rather than specifying a particular qualifying officer. Chairman Kerbel also asked for an analysis on whether the filing fee should be set at a specific amount in the charter or should instead follow general law provisions, and how the petition qualification alternative should be structured to remain consistent with the SOE statutory duties.

**Article 5**

Chairman Kerbel directed the Task Force's attention to Article 5 and the proposed deletion of Section 5.03, asking whether these changes were required by Amendment 10 due to the Comptroller function.

ACA Valdes confirmed that modifications were required and explained there were several ways to address the matter while preserving the Clerk's Comptroller functions. He noted that the Charter could require a budget department or Office of Management and Budget (OMB) as a charter-required department, while other departments could be created at the Mayor's discretion and funded by the Board, provided they did not impede on the Clerk's audit or Comptroller functions.

Chairman Kerbel asked whether the administration believed the Charter should require a specific office to address financial matters.

Ms. Demetria Henderson indicated that the administration was comfortable maintaining the Mayor's existing discretion to create or adjust departments as currently outlined in the Charter. She offered to provide an update at the next meeting.

Ms. Escarra noted that while Section 5.03 addressed financial administration another section already contained procedural provisions, suggesting potential redundancy.

In response to Commissioner Moss's question about whether financial matters would be solely at the Mayor's discretion, ACA Valdes clarified that the Florida Constitution and State law

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

designated the COCC custodian of county funds and county auditor. He explained that finance functions previously performed by the Finance Director were now performed by the Clerk.

Mr. Montaldo concurred with ACA Valdes and clarified an important distinction: the Clerk also served as accountant for the Board, a role with limited legal flexibility. He explained that State law and the Constitution had established firm requirements regarding these functions, particularly the Clerk's roles as custodian of County funds and accountant for the Board. Mr. Montaldo acknowledged that conflicts over constitutional powers would inevitably arise and be tested as part of the checks and balances system inherent in the separation of powers established by Article V of the Florida Constitution.

Ms. Barbara Galvez noted that the Constitution allowed for appointment of a Budget Officer and asked whether this was addressed in the Charter. She suggested that OMB could fall under Article 5's list of charter-required departments.

Commissioner Moss moved to table Article 5.03 to the next CRTF meeting. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Article 5.04**

ACA Valdes confirmed that the deletion of certain provisions was required by Amendment 10.

Regarding the proposed changes to Section B (the newly created "B"), ACA Valdes explained that state law allowed the County to collect certain taxes through the Regulatory and Economic Resources (RER) Department, while other taxes must be collected by the Tax Collector. He noted that the Charter's current language stating "all County and municipal taxes shall be collected by the Tax Collector in accordance with state law" was broader than Amendment 10 required, since State law permitted the County to collect some taxes directly.

Responding to Chairman Kerbel's request for examples of County-collected taxes, Mr. Lafarga confirmed that RER collected convention and tourism taxes. He explained that during the transition from the Tax Collector Department to the elected Office of the Tax Collector, the administration reviewed which taxes were currently collected by RER and which were mandated by State law to be collected by the Tax Collector. He noted that local business taxes were determined to be mandated for collection by the Tax Collector.

Mr. Gomez added that in addition to convention and tourism taxes, RER collected the food and beverage optional tax benefiting the homeless and domestic violence prevention under the same

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

statutory provision. He expressed partial agreement with the statute designating the Miami-Dade County Office of the Tax Collector as the "appropriate tax collector" and emphasized the need for contractual agreements between the Tax Collector and the County for certain duties. Mr. Gomez recommended adding the term "property taxes" to this Charter section for clarity.

Chairman Kerbel suggested limiting the language to "property taxes" and asked whether the revision should explicitly preserve the County's authority to collect certain taxes.

Mr. Gomez confirmed there was no preference from the Tax Collector's Office on this point.

ACA Valdes clarified that "county and municipal taxes" in this context referred to ad valorem taxes collected on behalf of cities or municipalities. He explained that without this clarity, the deletions could create ambiguity regarding taxes the County collected independently. ACA Valdes recommended revising the language to state "all county and municipal ad valorem taxes shall be collected by the Tax Collector" to satisfy Amendment 10's requirements.

Chairman Kerbel asked whether the "ad valorem" qualifier should be added to other sections referencing delinquent municipal taxes and tax revenues collected.

ACA Valdes recommended consulting with the administration, Budget Office, or Tax Collector's Office before making such changes.

Mr. Gomez noted there were additional taxes addressed in the County Code and requested specificity regarding the Tax Collector's responsibilities under the Charter, emphasizing that state law was already clear. He indicated no objection to narrowing the Charter's scope if needed.

Ms. Escarra suggested adding language such as "unless such tax may be collected by the County and the municipality by general law" to avoid unintentionally conflicting with general law by being overly specific.

Chairman Kerbel proposed the following revised language: "All county and municipal ad valorem taxes are collected by the Tax Collector in accordance with state law," ending the sentence there and deleting the remainder. He suggested that other tax collections would be governed by general law.

Chairman Kerbel confirmed with Mr. Gomez that the provision stating the tax year began January 1st would remain.

In response to Mayor Losner's suggestion to add "personal property tax," Mr. Gomez clarified that this was unnecessary because personal property tax was an ad valorem tax and therefore already covered by the revised language.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Vice Chairman Redondo moved to approve Section 5.04 as amended. This motion was seconded by Mr. Eikenberg, and up on being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Article 6**

Chairman Kerbel noted that a separate meeting would be dedicated to discussing municipalities, annexations, and incorporation, and suggested creating a separate charter section for these topics. He observed that the proposed changes to Article 6 regarding municipal boundaries appeared to be required by Amendment 10, with the exception of paragraph 7.

Mr. Montaldo identified a typographical error in Section 6.05(B)(1), noting that the phrase "if the Clerk" at the beginning of the last sentence should read "if the County" to maintain consistency with other approved changes.

ACA Valdes reviewed the proposed changes to Section 6.03 concerning election timeframes and noted the original language stated "or at such other time that the SOE provide for such election." He explained that this language was broader than required by Amendment 10 or State law and clarified that a County Commission or municipal governing body could not call a special election until notice was given to the SOE and consent was obtained regarding a date when registration books were available. ACA Valdes distinguished this requirement from the proposed language, noting that "or at such time as the supervisor provides" implied greater discretion than simply confirming whether registration books and equipment were actually available.

Chairman Kerbel proposed clarifying the language to read "or at such other time the Supervisor of Elections confirms is available for such election."

ACA Valdes agreed this language would be consistent with Florida Statute.

Mr. Rosenthal supported the proposed language but explained it was drafted broadly to prevent situations where election resources might be unavailable during the charter-specified timeframe. He illustrated a scenario where a municipality had completed extensive preparatory work to place an item on the ballot, only to find the SOE unavailable to conduct the election within the charter's required timeframe. Without flexible language allowing an alternate date, he argued, the election might never occur. Mr. Rosenthal explained that the proposed language would allow the supervisor to propose an alternate date if the charter-specified timeframe proved infeasible, preventing the municipal incorporation process from being entirely derailed by scheduling constraints.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel expressed confusion about why the SOE could not simply confirm availability for a date three days outside the specified window.

Mr. Rosenthal provided a detailed example: Section 6.03 required elections to be held between 60 and 120 days after certain triggering events. However, if redistricting or re-precincting occurred due to reapportionment during that 60-120 day period, all election equipment would be offline, making it impossible to conduct the election. Under restrictive language requiring only "confirmation of availability," if the supervisor could not confirm availability during the 60-120 day window, one could argue the election would never occur. His proposed language—"or at such other time as the supervisor confirms availability for such election"—would allow the election to proceed outside the specified window when circumstances prevented holding it within the required timeframe.

Following extensive discussion, Chairman Kerbel agreed with Mr. Rosenthal's proposed language: "or at such other time as the Supervisor confirms availability for such election."

Mr. Rosenthal emphasized this language was necessary when availability could not be confirmed during the charter-specified window.

ACA Valdes confirmed the language was consistent with State law, and Chairman Kerbel clarified the conforming changes should be made.

Commissioner Moss expressed concern about elections being postponed due to unforeseen scheduling issues.

ACA Valdes explained that State law prevented the County Commission from calling an election until confirmation of availability was received. He suggested adding language specifying "at the earliest possible time" to prevent delays beyond statutory timelines. He noted that prior to Amendment 10, this was less problematic because the SOE was a county department that could be directed by the County Commission. With the Supervisor now an independent constitutional officer, the confirmation requirement created potential for delay.

ACA Valdes proposed adding language such as "at the earliest possible time that the SOE confirms availability for such election" to ensure elections occurred as close to the charter-specified timeframe as possible while accommodating legitimate resource constraints.

Mr. Rosenthal acknowledged Commissioner Moss's concern and clarified that the SOE could not arbitrarily declare that resources were never available, as doing so would constitute a violation of state law. He noted that concerns about procedural fairness and proper resource allocation could apply in multiple contexts, referencing the upcoming discussion of Article 9 provisions regarding constitutional officers' ability to place items before the Commission.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel confirmed the motion was to accept all proposed changes through paragraph 6, excluding paragraph 7 which would be discussed separately.

Mr. Fernandez moved to adopt the alternative language for the election scheduling as proposed with the new language. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Article 6 - Paragraph 7**

Chairman Kerbel directed the Task Force's attention to paragraph 7, explaining that this provision required separate discussion due to its unique implications following the transition of law enforcement functions. He noted the existing charter language required new municipalities to contract with the County for local police patrol services for a minimum of three years. Chairman Kerbel advised that the proposed change would update this requirement to mandate contracting with the "Sheriff" instead.

Ms. Daniels explained that this requirement had long been standard practice, ensuring new municipalities had access to police services through the Sheriff's Office while they worked to establish their own departments.

In response to Commissioner Moss's question about the timeline for establishing an independent police department, Ms. Daniels clarified that the process often took a minimum of three years and that separating from Sheriff's Office services was very expensive if a municipality later chose that path.

Ms. Daniels moved to approve the proposed change, updating the language from "Miami-Dade County" to "Sheriff." Commissioner Moss seconded the motion, and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

ACA Valdes recommended that for stylistic consistency, the charter should use the official term "Miami-Dade County Sheriff's Office" rather than simply "Sheriff" throughout the document.

Chairman Kerbel concurred and directed that the standardized terminology be applied consistently throughout the charter's constitutional officers sections.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

**Article 8**

Chairman Kerbel directed the Task Force's attention to Article 8, noting it required the same availability confirmation language as discussed in Article 6.

Ms. Escarra indicated that if Task Force members had no comments on Sections 8.01 and 8.02, she would move to adopt both sections with the amended language for consistency throughout the charter.

Mayor Losner raised a separate issue regarding recall petition requirements in Section 8.02. He noted that the current charter required petitions to contain signatures from 8% of registered voters Countywide. He pointed out that given the County's single-member commission districts, this 8% countywide threshold could potentially exceed the total number of registered voters in a given district, effectively precluding district-level recalls. Mayor Losner suggested modifying the requirement to apply the percentage on a district level, such as 10% of registered voters within the district to which the recall applied, while maintaining the 8% Countywide standard for mayoral recalls.

Chairman Kerbel acknowledged Mayor Losner's suggestion but indicated that discussion regarding restructuring County government provisions, including recall thresholds, would be held at a future meeting dedicated to that topic.

Ms. Escarra moved to approve Sections 8.01 and 8.02 with the amended "confirmation of availability" language applied consistently throughout the charter. Mr. Granado seconded the motion and upon being put to a vote, passed 10-0 (Ms. Stephanie Daniels, Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

ACA Valdes confirmed that Section 8.02 included the deletion of the Property Appraiser from the recall provision, as required by Amendment 10.

**Article 9**

Chairman Kerbel directed the Task Force's attention to Article 9, noting that Section A appeared straightforward, as did Section C based on prior discussions. He indicated that Section B was where substantive action would occur.

Commissioner Moss stated he had researched comparable provisions in other jurisdictions and could not find any major county or city that allowed constitutional officers the authority proposed in Section B. He noted that his research revealed no other major jurisdictions

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

permitting constitutional officers to place items directly on their legislative body's agenda. He emphasized that at the State level, the legislature controlled its own agenda, meetings, and legislation, with constitutional officers working collaboratively without charter mandates requiring access. Commissioner Moss asserted that the County commission, as the County's legislative body, should maintain control over its proceedings and agenda and moved to strike Section B while accepting Sections A and C.

Mr. Eikenberg requested clarification regarding the need to include Section B.

Mr. Rosenthal responded that the provision was designed to address concerns about potential actions by future boards rather than current practices. He clarified that the central question was whether Miami-Dade County, as Florida's largest county, should ensure constitutional officers could access the Board when State law required Board cooperation to fulfill their statutory duties. Mr. Rosenthal illustrated potential problems through scenarios where procedural delays, such as a commissioner's hold on an item or a future Commission Chair declined to schedule time-sensitive matters like automatic homestead exemption renewals which could adversely affect taxpayers and property owners Countywide. Mr. Rosenthal explained the proposal had two components, the first being the right to be heard before the Board, and the second, the ability to request agenda placement at the next meeting when State law mandated Board action. While acknowledging the second element was more expansive, he argued both were essential to protecting taxpayers' interests and ensuring constitutional officers could fulfill their state-mandated responsibilities.

Mr. Montaldo highlighted the transfer of financial functions from County administration to the Clerk as a constitutional officer under Amendment 10. He explained that given the size and volume of funds the County handled daily, if a critical financial matter arose and could not be addressed immediately by the Board, particularly under future boards, any gamesmanship or delay could prejudice the financial integrity of the County and harm taxpayers. He urged the Task Force to consider that leaving the matter ambiguous could create emergencies detrimental to the County's constituents.

Ms. Barbara Galvez explained that situations arise requiring the Clerk to provide reporting information to the Board regarding County financial stability, budgetary impacts, or procurement matters affecting departmental budgets. She noted that while the Clerk could distribute written memos to all Board members, there was no guarantee that commissioners or appropriate staff would review them promptly. This uncertainty was why the Clerk sought the ability to formally place such reports on the Board's agenda.

In response to Chairman Kerbel's comments that the language extended past placing reports on an agenda but also spoke to creating legislative action items, Ms. Galvez clarified that the COCC

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

primary focus was being provided the opportunity to provide relevant reports on the agenda and not about changing legislation.

Mr. Gomez explained that State law required the Board to act annually on behalf of the Tax Collector. Due to Miami-Dade County's size and the substantial number of property valuation appeals before the Value Adjustment Board (VAB), the final certified tax roll frequently was not available to the Tax Collector for collection purposes until the following calendar year. He noted the Tax Collector's Office had historically appeared before the Board requesting authorization to extend the tax roll for collection pending VAB completion. Mr. Gomez emphasized this was a concrete example of why constitutional officers needed the ability to bring matters requiring Board action to the Board's attention when State law mandated Commission action for the exercise of constitutional officers' responsibilities, powers, and duties.

Chairman Kerbel questioned whether such procedures could be established through ordinance rather than charter amendment, noting that the Commission could adopt ordinances addressing these process issues if it chose to do so.

Vice Chairman Redondo provided perspective from his experience in the Florida Legislature. He noted that at the State level, cabinet officials including the Chief Financial Officer, Attorney General, and Governor could not compel the legislature to consider specific legislation. He explained that State agencies typically worked collaboratively with the legislature, with departments like the Department of Transportation, Department of Education, and Department of Children and Families requesting legislative packages annually that legislators may choose to sponsor. He observed that when disagreements arose at the State level, they were often resolved through the political process and elections. He noted that constitutionally, the Florida Legislature was only required to pass the budget every two years. While not endorsing this as the ideal approach, he suggested it represented a different model of separation of powers.

Chairman Kerbel noted that Broward County's charter provision allowing any person the right to be heard at commission meetings might address the first sentence of the proposed language regarding constitutional officers' ability to be heard, since constitutional officers could theoretically appear as members of the public; and asked whether the County's current rules limited public comment to items already on the agenda.

ACA Valdes confirmed that the charter contained a Citizens' Bill of Rights providing any member of the public the ability to be heard.

Chairman Kerbel opined there might be a distinction between general public comment (reasonable opportunity to speak), which was limited to items on the agenda, and what the proposed language would provide.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Commissioner Moss reiterated his position that the County Commission functioned as the legislative body of the County, maintaining control over its own agenda and determining what matters are considered. He emphasized that at the State level, the legislature controls its agenda, meetings, and legislation, with other governmental entities having separate defined responsibilities. Commissioner Moss noted the strong cooperation between the current Board and constitutional officers, with the current chair recognizing them and allowing them to address issues of concern. He stated he did not anticipate this cooperative relationship changing and expressed confidence in its continuation. He articulated his view that County Commissions should maintain control over their own legislative processes and expressed concern that the provision may face challenges. He characterized Section B as having potential to create unintended complications.

Mr. Rosenthal responded that the State legislature might not provide an appropriate analogy because separation of powers operated differently at State and local levels. He noted that under the County's charter, the County Commission was designated as the "legislative governing body," not merely the "legislative body." He explained that at the State level, when the legislature establishes governing functions, it frequently imposed requirements on the executive branch to act within specified timeframes and to consider petitions and requests mandated by law. He clarified that the constitutional officers' request did not concern legislative functions such as adopting ordinances, but rather governing functions. Specifically, the request addressed matters the governing body must consider when State law required action by constitutional officers to fulfill their duties. He argued this involved governing authority rather than legislative authority, making the State legislature comparison unsuitable. He concluded by acknowledging that the current commission had been exceptional in providing access to constitutional officers, but emphasized that the proposed charter language would provide protection for future boards and future circumstances.

Commissioner Moss moved to strike Section B and to keep Sections A and C. This motion was seconded by Rebecca Wakefield.

Mr. Eric Eikenberg deferred to the Attorneys' to clarify the urgency of this section.

Mr. Rosenthal explained with the mass diversities within the State of Florida a provision was needed to allow the Board of County Commissioners (BCC) the authority to release holds to present time sensitive items to the BCC for consideration to prevent delays with progressing pertinent items in a timely fashion to best serve tax payers of Miami-Dade County. Counsel Rosenthal explained in essence this section dealt with reasonable opportunity for the right to be heard and the opportunity to request an item be placed on the next Board meeting agenda only when the State law requires.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Commissioner Moss to accept sections A and C, but to reject section B. This motion was seconded by Ms. Wakefield and upon being put to a vote, the motion passed a vote of 9-1.

**Sections 9.01 and 9.07-9.11**

ACA Valdes sought clarification regarding proposed changes to Section 9.01, noting that the provisions currently written in present tense would need to be either rewritten in past tense for historical context or deleted entirely. He suggested the Task Force could add explanatory language providing historical context about Amendment 10, or alternatively delete the section.

Chairman Kerbel recommended deletion, indicating the historical language could be addressed when the item returned to the Task Force.

Chairman Kerbel directed members' attention to Section 9.07 and noted that Section 8.01(1), which had not been discussed during the meeting, referenced the Clerk of the Circuit Court receiving proposed ballot language. He observed this provision should be revised to reflect "Clerk of the Board" since the County Commission could assign duties to the Clerk in that capacity, and the change related to charter amendment procedures in Section 9.07.

ACA Valdes confirmed that Section 8.01(1) had not been included in the constitutional officers' proposed changes. He noted other charter provisions also referenced the Clerk of the Circuit Court and suggested making conforming changes throughout the charter to refer to "Clerk of the Board" where appropriate for consistency.

Mr. Montaldo clarified that the Florida Constitution designated the Clerk of the Court as ex-officio Clerk of the Board, and these provisions functioned together.

Chairman Kerbel emphasized the importance of ensuring the charter did not assign duties to offices unauthorized to perform those functions and advised that Section 8.01(1) language would be addressed at a future meeting.

Chairman Kerbel asked whether Task Force members had questions concerning Sections 9.07 through 9.11.

Regarding Sections 9.10 and 9.11, Commissioner Moss posed a hypothetical scenario asking whether the Mayor could request the Clerk take action on a problematic contract under the Clerk and Comptroller's exclusive auditing authority specified in State law.

ACA Valdes confirmed that the Mayor could request the Clerk's assistance as County auditor to perform those functions.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

ACA Valdes raised concern about proposed language stating the Clerk had "exclusive authority to perform audits as set forth in State law." He clarified this should specify "exclusive authority to perform internal audits," as State law under Section 125.01 permitted the County to hire independent auditors. He asked whether the provision needed clarification to preserve the County's ability to retain independent auditors.

Responding to Chairman Kerbel's question as to whether the statement was required, ACA Valdes replied it was not.

Ms. Escarra suggested the County Attorney's Office provide guidance on simplifying the language in Section 9.10.

Commissioner Moss moved to table Sections 9.09 through 9.11 pending further clarification on auditing authority.

Mr. Montaldo stated the Clerk's Office had no objection to clarifying the language and explained that auditor positions were established prior to Amendment 10. He acknowledged the complexity of different auditor roles but emphasized that State statute now prohibited duplication of functions with financial penalties attached. He stressed the importance of the Task Force and County eliminating any duplicate functions to avoid such penalties.

Commissioner Moss asked how the Clerk's Office was currently managing these issues following Amendment 10's implementation.

Mr. Montaldo responded that the Clerk relied on constitutional and statutory requirements, which case law had established clearly. He explained the Clerk considered input from the Board, administration, and public regarding areas requiring audit attention, noting there had been instances, such as the insurance trust fund audit, where public requests prompted full-scale audits.

Ms. Escarra expressed confusion about the various auditing roles and suggested spelling out distinct functions clearly to prevent duplication, noting the overlap was difficult to understand even for someone accustomed to reviewing complex documents.

Chairman Kerbel agreed and suggested tabling the auditing sections for discussion at the beginning of the next meeting along with revisions to Section 9.01.

ACA Valdes explained that the proposed language raised State law issues rather than solely Amendment 10 concerns. He noted that recent State law prohibited counties from duplicating services exclusively provided to constitutional officers. He explained "audit" could mean different things from internal compliance reviews of county procedures to full financial audits

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

conducted by CPAs or accounting firms. ACA Valdes noted the county auditor function, commission auditor, and inspector general each performed different types of audits. He suggested the administration reach out to the relevant offices to clarify the distinctions and recommended the Task Force address several questions at the next meeting: defining what constituted an audit, distinguishing auditing roles among the various entities, identifying which audits fell under the county auditor's function, and determining which types of audits (financial, operational, or compliance) the county could still perform.

Sections 9.09 through 9.11 were tabled for the next CRTF meeting.

**A. Staff Updates**

Chairman Kerbel announced staff updates from today would be covered at the next meeting

**B. Future Meeting Planning**

Discussion ensued between Ms. Henderson and Chairman Kerbel regarding the approved meeting schedule, frequency and topics.

Chairman Kerbel outlined the agenda for upcoming meetings, noting that the next two sessions would address county government structure, providing an appropriate forum for Mayor Losner's discussion. He explained that each meeting would begin with staff updates and presentation of technical changes from prior sessions. Given the exploratory nature of governmental structure discussions, Chairman Kerbel indicated the proceedings would be more free-flowing, requiring Task Force members to collaborate in developing specific language and policy recommendations. He encouraged members to submit proposed language or discussion topics to staff for compilation and distribution to the Task Force in advance of meetings.

**C. Future Meeting Dates**

After discussion of available dates, the Task Force scheduled meetings for September 5th at 1:00 p.m. and September 17th at 1:00 p.m., both to be held in the Commission Chambers.

**VII Adjournment**

There being no further business to come before the Charter Review Task Force (CRTF), the meeting was adjourned at 1:12 p.m.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its fourth meeting at the Stephen P Clark Building, 2<sup>nd</sup> floor Commission Chamber: 111 NW 1st St, Miami, FL 33128, on September 5<sup>th</sup>, 2025 at 1:19 p.m.

### **I. Roll Call**

In attendance were the following Task Force members:

- City of Miami Lakes Mayor Joshua Dieguez;
- Ms. Stephanie V. Daniels;
- Mr. Eric Eikenberg;
- Mr. Robert H. Fernandez;
- City of Aventura Mayor Steven D. Losner;
- Former Miami-Dade County Commissioner Dennis Moss;
- Ms. Rebecca Wakefield;
- Vice Chairman Michael Redondo (State Representative for House District 20); and
- Chairman Dennis Kerbel.

The following Task Force members attended via Zoom:

- Senator Alexis Calatayud; and
- Former City of North Miami Mayor Andre D. Pierre.

Ms. Iris Escarra arrived at 1:36p.m.

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

- Assistant County Attorney (ACA) Michael Valdes;
- Mr. Felix Jimenez, Inspector General, Office of Inspector General (OIG)
- Ms. Marie Perikles, General Counsel, OIG,
- Mr. Yinka Majekodunmi, Commission Auditor, Miami-Dade Office of Commission Auditor (OIC)
- Dr. Carladenise Edwards, Chief Administrative Officer, Office of the Mayor;
- Ms. Ofelia Tamayo, Director, Internal Compliance Department (ICD);
- Mr. Oren Rosenthal, Attorney, Supervisor of Elections (SOE);
- Mr. Luis Montaldo, General Counsel, Clerk of the Court and Comptroller (COCC); and
- Mr. Chester Rodriguez, Deputy Clerk, Clerk of the Board (COB).

### **II. Pledge of Allegiance**

Commissioner Dennis Moss led the Pledge of Allegiance.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

**III. Reasonable Opportunity for the Public to be Heard**

Chairman Dennis Kerbel opened the reasonable opportunity to be heard, and seeing no one come forward to speak, the reasonable opportunity to be heard was closed.

**IV. Carry Over Discussion – Amendments relating to Constitutional Officers**

Chairman Kerbel stated that the carryover items from the last meeting concerned constitutional officers, and since representatives from the administration were present, the discussion would address what to do with the financial administration section of the charter and how to separate audit functions that remained with the COCC from other types of investigations and inspections performed by various offices.

**A. Office of Inspector General**

Mr. Felix Jimenez provided an overview of the Office of the Inspector General (OIG). He noted the OIG was created on December 16, 1997, by the Board of County Commissioners (Board) to serve as a watchdog over County practices with a mission to detect, investigate, and prevent waste, fraud, mismanagement, misconduct, and abuse of power through independent oversight of county affairs. Mr. Jimenez reported in November 2020, voters supported a charter amendment to establish an independent OIG in the charter. He advised that the office operated autonomously and independently to ensure no interference or influence from external sources.

Mr. Jimenez pointed out that Section 2-1076 of the County Code, based on delegation of powers by the Board, granted the OIG authority to conduct investigations of County affairs, audit and inspect County programs, accounts, records, contracts and transactions, conduct reviews and require reports from County officials and employees. He stated that there were different practices with different oversight entities that were not duplicative efforts but rather oversight that made government function better.

Ms. Marie Perikles explained that the OIG's audit authority did not overlap or duplicate the duties of the COCC/Clerk. She acknowledged that the Clerk was, under provisions of the State constitution and State law, the ex officio auditor of the Board; the recorder and the custodian of all County funds. Ms. Perikles stated that while Florida Statutes provided that local governments may not create or fund any office exercising powers allocated exclusively by the State constitution or general law to constitutional officers, the Clerk's authority to conduct audits was not exclusive.

Ms. Perikles explained that the Clerk's duties as controller and auditor were entirely statutory under Section 129.025 of Florida Statutes and noted the Clerk as auditor was responsible for ensuring that payments of County funds were authorized expenditures. She advised that the statutes prescribing the Clerk's responsibilities did not define the audit function and stated that

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Florida courts had interpreted that the authority allowed clerks to conduct pre and post audits of County expenditures to ensure County funds were spent in accordance with law. Ms. Perikles referenced an Attorney General opinion stating that unless specifically defined, audit was variously defined and could include mathematical examination of processes, investigations, weighing of evidence, and determining whether entries were correct.

Ms. Perikles stated that Section 125.01 of Florida Statutes granted the County Commission power to investigate County affairs and inquire into accounts, revenues, and transactions of County departments, offices, and officers, which essentially empowered them to conduct audits. She further noted that Section 218.33 of Florida Statutes allowed local government entities to establish and maintain internal controls to prevent and detect fraud, waste, and abuse, promote compliance with laws and contracts, and support efficient operations. Ms. Perikles cited *State v. Weeks*, which held that the name given to a statutory officer was immaterial if the authority conferred did not conflict with constitutional authority. She argued that the statutory authority of counties to audit records and establish internal controls did not constitute exclusive authority delegated to the Clerk and that these county powers did not diminish or supplant the statutory duties of the Clerk. Ms. Perikles referenced an Attorney General opinion stating that the Clerk as *ex officio* auditor provided a check and balance system to ensure proper expenditure of public funds.

Ms. Perikles stated that the statutes granting the Clerk audit authority and charter provisions granting the OIG audit authority should be read together to preserve the force of both. The OIG's audit function is supplementary and does not supplant the Clerk's functions. The OIG does not issue financial audits, does not audit county funds financially, and does not conduct pre and post audits of expenditures. The OIG's function is different. Their audits are almost always initiated through complaints, investigations, or oversight assignments where something needs examination from a different perspective.

Chairman Kerbel stated that the CRTF's charge was to determine what to do with terms currently in the charter. He noted that the Inspector General provision specifically referenced audits, and the drafts proposed by constitutional officers would strike the word audit and include a provision stating that the COCC shall have exclusive authority to perform audits as set forth in State law. Chairman Kerbel asked what proposed changes to the language could be made to reflect that the OIG's function was supplemental.

Ms. Perikles recommended that the word audit not be removed because the OIG conducted different types of audits than the Clerk. She stated that as a matter of public policy and common sense, the County commission and County must have ability to review internal processes in more than one way and reiterated that the Clerk was charged with certain specific types of audits, including pre and post audits. Ms. Perikles noted that the OIG assessed performance, compliance, internal controls, and whether proposed legislation would be beneficial to the

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

County and maintained that the language was encompassing and there was room for both offices to conduct audits.

Mr. Eikenberg inquired about the purpose of the discussion given that the independent OIG office was established by charter amendment in 2020.

Chairman Kerbel explained that the purpose was to determine the statutory exclusive authority of the Clerk and ensure that no other office was assigned authority that duplicated those exclusive duties.

ACA Michael Valdes explained that the State legislature passed a statute indicating that if any duty or responsibility was assigned to a constitutional officer, the County could not fund an office that duplicated that duty or responsibility. He further advised that the COCC had requested that the charter implement language to ensure duties were not duplicated, and the discussion was intended to determine what position the respective entities had regarding this issue.

Chairman Kerbel asked ACA Valdes for his opinion on whether the OIG was stepping into an exclusive duty of the Clerk.

ACA Valdes stated that based on the broad definition of audit, it was difficult to determine conclusively. He referenced *Alachua County v. Powers (1977)*, in which the Florida Supreme Court held that Alachua County could not create an independent county auditing department because the Clerk was designated as the county auditor. ACA Valdes opined that the Clerk was not the only entity allowed to conduct audits, though the 1977 case created ambiguity about whether an in-house County department could perform audit functions.

Chairman Kerbel inquired whether it would be consistent with previous discussion to insert language stating "to the extent not inconsistent with general law" instead of striking the word audit.

ACA Valdes confirmed this approach would address the statute concerning duplication of services by constitutional officers.

Chairman Kerbel asked whether constitutional language or statute had prompted the charter discussion.

ACA Valdes clarified that both constitutional and statutory elements were involved in the auditing issue.

Ms. Perikles informed the CRTF that the Clerk entered into an interlocal agreement with Miami-Dade County on January 7, 2025 and noted one section of the agreement stated that several other departments did not duplicate the Clerk's duties. She agreed with the proposed amendment to add qualifying language rather than strike the word audit, stating it would allow for different types of audits and functions. Ms. Perikles provided examples of other Florida counties where both the

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

OIG and Clerk performed different audit functions and emphasized that conducting audits was not an exclusive duty of the Clerk.

Commissioner Moss inquired about the duration of the interlocal agreement.

Ms. Perikles responded that the agreement was for three years.

Commissioner Moss suggested that the charter could include language regarding the County's ability to enter into interlocal agreements.

Chairman Kerbel asked whether the County could enter into an interlocal agreement with a constitutional office through the OIG.

ACA Valdes stated that such an agreement would be permitted under the proposed language already adopted by the Board.

Ms. Wakefield questioned how the charter could affect the scope of the OIG's duties.

Ms. Perikles explained that the OIG would retain ability to conduct investigations, but eliminating the word audit would create issues in their oversight work.

Ms. Escarra asked for clarification on the practical aspects of auditing regarding multiple requests from different departments.

Ms. Perikles clarified that the OIG had not duplicated audits from other departments and had maintained open lines of communication with the Department of Audit and Management and the Commission Auditor to ensure services were not duplicated. She explained that the offices performed different functions and initiated audits from different sources. Ms. Perikles stated that if the commission requested work from the OIG, the office would contact colleagues to avoid duplication, as the OIG had a duty as an independent oversight agency not to perpetuate inefficiencies.

Chairman Kerbel reiterated the OIG's independent authority to conduct audits.

Ms. Perikles confirmed that the OIG had independent authority and could self-initiate audits. She stated that the OIG was complaint-driven and received complaints from citizens, referrals from department directors, and requests from the commission and the mayor's office.

Ms. Escarra questioned whether the same complaint-driven process applied to the Clerk's office.

Ms. Perikles stated that she could not speak for the Clerk's office but confirmed that the OIG accepted information and complaints for reviews and investigations. She stated that she did not believe the Clerk had the same complaint-driven process and that the Clerk was bound by statutory duties to ensure that payments of County funds were made correctly.

Mr. Montaldo confirmed that the Clerk was allowed to receive constituent complaints. He explained that prior to Amendment 10, the Clerk had always been the auditor and audits were

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

performed by deputy clerks, with the audit section under the finance director at that time. Mr. Montaldo provided an example of an audit of the self-insurance fund that was initiated by a constituent complaint to former Clerk Harvey Ruvin, who ordered an independent audit at the constituent's request.

Chairman Kerbel asked whether the Clerk retained that authority, and Mr. Montaldo confirmed that the Clerk does retain that authority.

Mr. Redondo asked whether adding language referencing general law for auditing would address Ms. Perikles's concerns regarding the OIG's auditing functions.

Ms. Perikles confirmed that such language would address her concerns.

**B. Office of the Commission Auditor**

Chairman Kerbel asked the Commission Auditor whether he wished to add anything to the OIG's concerns.

Mr. Yinka Majekodunmi stated that Ms. Perikles had expressed the concerns clearly. He provided an overview of the Office of the Commission Auditor (OCA), which was established in 2002 by voters of Miami-Dade County after approval of a Home Rule Charter amendment. Mr. Majekodunmi stated the office was created to conduct financial and legislative research and analysis to assist the Board in their decision-making process by ensuring governmental accountability, transparency, and best use of public funds and noted that the Commission Auditor's duties included reporting to the Board on county departments and external agency operations to assess whether fiscal and legislative policy directives of the commission were being efficiently and effectively implemented.

Mr. Majekodunmi clarified that the word "audit" as a verb was important to any oversight function and was not exclusive to any organization. He stated that striking the word "audit" would create challenges by becoming restrictive in areas where oversight work needed to operate throughout the County, not just in one office. He explained that the OCA did not duplicate services or operations and had a clear understanding of their work scope. Mr. Majekodunmi pointed out that the OCA differed from the OIG in how they received requests, as most of the OCA's requests came from the Board. Mr. Majekodunmi stated the office did not perform pre or post payment audits, but rather focused on core compliance and directives by the Board which may not be financial in nature.

Mr. Majekodunmi stated that the offices understood how to define the scope of audits and determine where their respective scopes began and ended. In cases where there could be overlapping responsibility, the offices coordinated to hand off engagements to the appropriate

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

entity. He stated that the offices had coordinated effectively for several years by sharing information and working in their respective areas to avoid duplication. Mr. Majekodunmi noted that there were different types of audits, including financial audits, compliance audits, performance audits, and investigative audits. He stated that the word "audit" was properly placed in the OCA's charter section.

Commissioner Moss asked what led the OIG and OCA to enter into the interlocal agreement with the Clerk's office.

Mr. Majekodunmi stated that in the initial phase of discussions, the offices wanted to document their collaborative work and intent not to duplicate services, specifically to address confusion around the word "audit." He explained that the goal of the interlocal agreement was to ensure continued handoffs and information sharing when the scope fell outside their respective areas.

Ms. Perikles clarified that the interlocal agreement was entered into between the County and the constitutional offices, not by individual offices, and that the agreement specifically named the OIG, the Commission Auditor, and other offices.

Commissioner Moss asked what led the OIG to want to be part of the interlocal agreement.

Ms. Perikles stated that as the County was preparing for the transition and preparing for an agreement with the Clerk, the OIG participated because the OIG had always maintained a good working relationship with the Clerk and wanted to continue that relationship. She explained that the offices had referred matters to each other and that it was part of what the OIG believed to be their duty to cooperate and ensure that services were not duplicated and that each office's functions were specifically delineated and defined.

Ms. Wakefield asked whether the concern about the word "audit" was a legal issue or a functional issue.

Mr. Majekodunmi explained that in this context, the word "audit" functioned as a verb rather than a type of engagement. He stated that different offices conducted various types of engagements, including audit engagements, review engagements, and compilation engagements. Mr. Majekodunmi distinguished between "audit" as a verb used broadly across organizations and "audit" as a designated role, noting that this distinction may have caused confusion. He provided an example that the County's annual independent audit must be conducted by an independent CPA firm and could be performed by the OCA, OIG, or Clerk. Mr. Majekodunmi stated that while scope design and roles were important, "audit" as a verb had never been exclusive in the industry and was fundamental to oversight within any organization.

Chairman Kerbel asked whether adding language stating "consistent with general law" would address the concerns.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Mr. Majekodunmi confirmed that it would.

**C. Internal Compliance Department**

Chairman Kerbel asked whether the Internal Compliance Department (ICD) had anything to add to the discussion.

Dr. Carladenise Edwards stated that she was in agreement with her colleagues and explained that the COCC provided fiduciary responsibility to ensure taxpayer funds were used as intended and that the COCC was responsible for ensuring the integrity of County expenses. She stated that, similar to corporations, there was a segregation of duties to ensure proper checks and balances. Dr. Edwards explained that when audits were conducted by the OIG, Commission Auditor, or COCC, the administration had a duty to address findings. She stated that the Mayor had charged the Internal Compliance Department (ICD) with preventing issues by testing and auditing preventive controls and ensuring that corrective actions from findings were implemented. Dr. Edwards stated that the word "audit" was a verb and would be difficult to strike from the charter because each office had a responsibility to audit, investigate, and review records, performance, and programs to ensure accountability to taxpayers. She asked Ms. Ofelia Tamayo, Director of the Internal Compliance Department, to provide an overview of the department's duties.

Ms. Tamayo stated that she agreed with the OIG and Commission Auditor and had worked with the Clerk's office during the transition. She explained that the ICD had several divisions, including debt collection for the County, oversight of the County's Enterprise Resources Planning (ERP) system, purchasing card compliance, and a processing and transaction division that conducted reviews. Ms. Tamayo stated that the ICD anticipated risk, protected resources, proposed appropriate levels of internal controls, increased efficiency and effectiveness, and maximized resource use. She explained that the office was proactive, collaborative, and provided complementary oversight. Ms. Tamayo provided an example regarding overtime, explaining that while the COCC reviewed overtime payments to ensure compliance with policy, the ICD reviewed overtime policies to help management achieve goals and minimize overtime expenditures. She stated that the ICD focused on front-end internal controls to minimize risk, increase efficiency in processes, maximize revenues, and follow up on action items. Ms. Tamayo concluded that the ICD complemented the audit work performed by the Commission Auditor and the Office of Inspector General.

Chairman Kerbel asked ACA Valdes whether there was a definition in State law for the word "audit" that could guide what constituted an exclusive function.

ACA Valdes stated that there was no comprehensive definition provided in Florida Statutes. He explained that there were numerous instances within Florida Statutes that defined different types of audits with specific definitions and noted that Florida Statutes differentiated between

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

prepayment audits, which verified that there was a valid public purpose for expenses before payment was issued; and post-payment audits, which verified that payment was legal and was actually performed. He stated that there were also performance audits that evaluated performance. ACA Valdes stated that there were various ways in which the term "audit" was defined within Florida Statutes, but there was not one all-encompassing definition.

Chairman Kerbel requested Mr. Montaldo input.

Mr. Montaldo provided clarification on why the issue with the term "audit" in the Home Rule Charter had become significant. He explained that prior to the passage of Amendment 10, the term "audit" was defined in many instances because the audit functions were not exclusively in the Clerk's purview as they were after Amendment 10.

Chairman Kerbel asked whether the Clerk had authority to perform all the different types of audits that ACA Valdes had described.

Mr. Montaldo stated that performance audits, for example, were not within the Clerk's purview. He explained that performance audits did not focus on the financial aspects for which the Clerk was responsible but rather related to policy compliance.

Chairman Kerbel noted that the word "audit" appeared to be a generic term that could cover different types of auditing.

Mr. Montaldo stated that the term "audit" had legal significance. He explained that in any document that conferred legal rights, such as the constitution or the charter, terms would ultimately be defined either by the legislature through statute or by the courts through jurisprudence. Mr. Montaldo stated that the Clerk provided case law regarding the audit function and that case law was clear on the audit function. He explained that the Clerk brought the issue to the commission's attention because the charter was a document used by the public to understand how county government functioned, and terms should be clarified so that constituents could understand their rights. Mr. Montaldo stated that in reading the pre-Amendment 10 Home Rule Charter, there were areas where there was confusion, and those areas should be clarified.

Mr. Montaldo recognized the collaborative working relationship with the OIG and Commission Auditor. He explained that investigations and audits were frequently intertwined, especially on criminal matters, and there were times when functions were different but closely connected. Mr. Montaldo stated that when the Clerk signed the interlocal agreement, the Clerk clarified that there was no intention to gain authority over areas where the OIG performed its work. He stated that the issue was about clarifying the term "audit." Mr. Montaldo stated that the Clerk would not object to adding language referencing state law. He stated that the Clerk's office did not believe removing the word "audit" would cause confusion and that the Clerk's office was neutral on the issue as long as it did not interfere with the Clerk's constitutional and statutory duties. Mr. Montaldo explained that the legislative enactment regarding duplication of functions was passed to clarify that such duplication would be seen as a waste of taxpayer funds.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Chairman Kerbel stated his view that the charter was not a source for the public to determine everything that was allowable or that defined all terms, but rather set parameters for what the County Commission could do through further action. He stated that the CRTF's charge was to determine how much to restrict in the charter regarding what the County Commission could decide later. Chairman Kerbel stated that eliminating the word "audit" was not necessary to avoid duplication and that adding qualifying language could address the issue, as matters could be resolved by the County Commission when they adopted ordinances or resolutions consistent with the charter and state law.

Commissioner Moss asked whether there were potential conflicts that could create problems related to the language.

Mr. Montaldo stated that government functions involved checks and balances that could lead to conflicts, which were sometimes resolved among government officials and sometimes in courts. He stated that he had been with the Clerk's office for 24 years and that each word in the charter was significant. He explained that when important issues arose, each term was examined closely. Mr. Montaldo stated that the Clerk's office sought to clarify terms for the public to the extent possible and that issues would ultimately be resolved through law or by the courts.

Ms. Escarra stated that the discussion brought the CRTF back to Sections 9.10 and 9.11, which were not moved at the last meeting. She stated that the sections would address adding language regarding audits as permitted by law, applicable both to Section 9.10 where the word "audit" had been stricken and would be added back in with reference to general law, as well as Section 9.11.

Chairman Kerbel stated that was his suggestion and questioned whether the line about the COCC having exclusive authority to perform audits was needed, as it sounded too restrictive. He noted that based on the presentations received, there were audit functions that the COCC did not perform.

Vice Chair Redondo stated that to the extent the language could be added referencing consistency with State law, it would address the remaining sentence in Section 9.10.

ACA Valdes proposed specific language for Section 9.11, suggesting the phrase "audits as permitted by law." He proposed that in Section 9.10, the word "audit" be deleted and the phrase "or permitted audits" be inserted after "fiscal analyses." ACA Valdes explained that this language would treat audit as a noun when used with "permitted" as opposed to using audit as an adjective.

Chairman Kerbel stated that the language "permitted audit" raised the question of what is actually permitted. He stated that the CRTF would need a final comprehensive review of all constitutional officer sections before voting on amendments.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

ACA Valdes confirmed that he had compiled everything approved at the previous meeting and would add what was discussed during the current meeting.

Chairman Kerbel asked Ms. Escarra whether the proposed language was acceptable for her motion.

Ms. Escarra agreed to the language discussed and added that the last sentence in Section 9.10 should be removed.

Ms. Escarra moved to amend Section 9.10 by retaining the word "audit" and adding the qualifying phrase "as applicable to general law," with the County Attorney determining the final specific terminology. Mayor Dieguez seconded the motion; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

**D. Office of Management and Budget**

Chairman Kerbel asked Dr. Edwards about her proposal regarding the Office of Management and Budget (OMB).

Dr. Edwards clarified that the interlocal agreement was executed by the County in January 2025 and expired on December 31, 2026. She stated that the CRTF's work was important because it would help provide clarity on the respective roles of each office when the interlocal agreement expired.

Chairman Kerbel asked whether the previous motion provided that clarity.

Dr. Edwards confirmed that the Task Force's action provided the necessary clarity.

Chairman Kerbel raised the question of whether there should be an office or department of finance given the changes to the Clerk's role.

Dr. Edwards stated that Section 5.03 of the charter was titled "Financial Administration," but the full text addressed management and budget. She proposed that Section 5.03 be retitled "Management and Budget" with the remainder remaining the same. She stated that subsection A would read: "The 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 the Director of the Office of Management and Budget or such other designee as the Mayor deemed appropriate." Dr. Edwards stated this would eliminate reference to the finance director and replace it with reference to the Mayor and designee for management and budget. She noted that segregation of duties was normal practice in corporations and stated that

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

subsequent sections B, C, and D through H, all referenced budget and that this was the clearest way to address the issue.

Chairman Kerbel asked whether "County Budget Officer" was a term that existed in state law.

ACA Valdes confirmed that the term existed in state law.

Commissioner Moss inquired about the role of the Board as it related to the operation of this office.

ACA Valdes stated that the role was currently performed by the Mayor. He explained that State law provided that it was a role designated by the County Commission or that could be designated by the County Commission. He stated that the charter already set forth those requirements, which were to prepare a budget and present it to the Board, and that Sections 5.03(B), (C), and (D) already addressed this.

Commissioner Moss asked whether the commission could make changes through legislation.

ACA Valdes stated that the Mayor proposed the budget that was presented to the Board and that ultimately the Board reviewed and approved/adopted the final budget. He clarified that the Mayor did not prepare a final budget or had budgetary authority.

Commissioner Moss asked whether the commission could pass legislation directing the Mayor to perform other duties under this office.

ACA Valdes stated that the Board could issue policy directives to the Mayor to include various items in proposed budgets going forward.

Dr. Edwards addressed Section 5.01, which listed departments that should exist. The section stated "there shall be a department of finance," and she recommended it be amended to read "there shall be a department of budget, personnel, planning and law," replacing "finance" with "budget."

Chairman Kerbel stated that since the provision concerned the Mayor's authority to create an office, he questioned whether the charter needed to specify the Director of the Office of Management and Budget. He suggested the language could simply state that the Mayor may delegate to a designee as the Mayor deems appropriate rather than naming a specific department.

Dr. Edwards responded that Section 5.01 identified which departments should exist, ensuring that a department accountable for budgeting would exist. She stated that Section 5.03 would indicate that the Mayor shall delegate the duties of that department. Dr. Edwards noted that a future mayor might want to use a different name for the office, but the duties would remain in the charter.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Ms. Escarra questioned the change from "finance" to "budget" in Section 5.01 and asked why it was not changed to "management and budget."

Dr. Edwards explained that different entities used different terms. She stated that in her professional experience, she had seen "management and budget" and "planning and analysis," and that different entities used different terms. She noted that at the state level and federal level, there were offices of management and budget, so it was a term familiar in government. Dr. Edwards stated that the term would resonate with the community and others because it was familiar in the government space. She stated that Section 5.01 could be changed from "finance" to "management and budget," and Section 5.03 could reference "management and budget," but noted the Chair's point that this might restrict future mayors who wanted to call it something else.

Ms. Escarra questioned the change from "finance" to "budget" in Section 5.01 and asked why it was not "management and budget."

Dr. Edwards explained that different entities use different terms. She initially opted to use the narrower term "budget," but the language could be changed to better align with state statutes.

Ms. Escarra stated that the language should be more consistent with state statutes.

Chairman Kerbel stated that Section 5.03 would reference "Budget."

Ms. Escarra stated it should reference the "Budget Office."

ACA Valdes noted that Section 5.03 contains provisions that do not relate exclusively to the budget process, such as subsection (D) which addresses competitive bidding requirements.

Chairman Kerbel stated that "Management and Budget" made more sense for Section 5.03 given the broader scope.

Ms. Escarra summarized the proposed changes: Section 5.01 would be amended to say "budget" instead of "finance" in the first sentence; Section 5.03 would have "Management and Budget" in the title; the first sentence would be crossed out; and the following language would be added: "The 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 the Director of the Office of Management and Budget or such other designee as the Mayor deems appropriate."

Chairman Kerbel proposed an amendment to strike the specific reference to the Office of Management and Budget and change the language in the last sentence of Section 5.03 to read: "The Mayor may delegate any budgetary responsibilities, powers, or duties to any such designee."

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Ms. Escarra accepted the amendment.

Mayor Joshua Dieguez moved to approve the changes as amended by Chairman Kerbel. Ms. Escarra seconded the motion; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

Chairman Kerbel stated that there was an outstanding issue relating to the SOE.

Mr. Rosenthal stated that the outstanding issue related to who qualified candidates for County Commission and Mayor. He explained that at the previous task force meeting, the CRTF had asked the County Attorney to research whether a particular office was legally required to serve as the qualifying officer. Mr. Rosenthal stated that although this responsibility was previously assigned in the charter to the Clerk, it was no longer appropriate under Amendment 10 changes. He stated that the Clerk had requested that the SOE perform this function, and that the SOE was the qualifying officer under State law.

ACA Valdes stated that the question related to the interaction between State law, which provided qualifying requirements for county officials and county judges; and home rule powers that the County may have regarding the method of election of County commissioners. He stated that with the enactment of Amendment 10, arguments could be made on both sides. ACA Valdes stated that from a practical standpoint, it had always been the Supervisor of Elections office or elections department that conducted qualifications, either through delegation by the Clerk, deputization by the Clerk, or as the established method. He stated that from a practical standpoint and to avoid constitutional versus charter conflicts, it was simplest to memorialize what had always been done in practice, which was that the SOE served as the qualifying officer.

Chairman Kerbel asked whether under State law it has always been the Supervisor of Elections that is the qualifying officer.

ACA Valdes confirmed that in all other Florida counties, the SOE served as the qualifying officer pursuant to State law.

Ms. Escarra asked whether the Supervisor of Elections performed this function for all municipalities within the county.

Mr. Rosenthal stated that municipalities had their own municipal clerks who served as qualifying officers. He noted that the municipal clerks reported qualified candidates to the SOE, but the task force was not addressing municipal charters.

Mr. Rosenthal further explained that State law addressed qualifying officers and that county-wide offices went to the SOE.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

ACA Valdes advised that the change would be made to Section 3.04(A) and explained that the part of the charter that currently read "All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk of the Circuit Court" would be amended to delete "Clerk of the Circuit Court" and replaced with "Supervisor of Elections."

Chairman Kerbel asked whether a similar change was needed regarding initiatives and referenda.

Mr. Rosenthal stated that initiative and referendum processes were not governed by State law in the same manner.

ACA Valdes stated in his review of the initiative and referendum provisions, language had been added relating to the timing of elections to address concerns previously raised by Commissioner Moss. He stated that the language would indicate that elections would be held at the earliest possible time at which the SOE confirmed availability to conduct such election.

Chairman Kerbel stated that the only remaining question was who validated the petition for initiatives and referenda.

Mr. Fernandez moved to approve the amendment to Section 3.04(A) to replace "Clerk of the Circuit Court" with "Supervisor of Elections." Vice Chair Redondo seconded the motion, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

## **V. Overview of Draft Amendments relating to Constitutional Officers**

Chairman Kerbel stated that in the next meeting, the CRTF would go over the amendments relating to the Constitutional Officers.

Ms. Wakefield inquired about the degree of authority the Board would have over constitutional officers.

ACA Valdes explained that the Florida Constitution provided that the duties and powers of constitutional officers were set forth in general law. He stated that general law provided independence for constitutional officers in areas related to procurement, personnel, and various other issues. ACA Valdes stated that there were certain instances in which the Board was allowed to direct or have involvement with constitutional officers, but those were set forth in general law. He provided an example that the COCC served as the COB, and in that capacity, the Board was allowed to direct what the COB did, such as taking minutes of meetings, providing vote counts, and transmitting copies of resolutions. ACA Valdes stated that there were other instances in State law where the Board must approve certain contracts that constitutional officers entered into, while constitutional officers had complete authority to enter into other contracts on their own. He concluded that the matter while complicated was largely set forth in State law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

**VI. Proposed Technical Amendment Overview**

Chairman Kerbel asked whether the Trust members wanted to discuss the proposed technical amendments or wait until the next meeting.

Mr. Eikenberg stated that the technical changes were self-explanatory and moved approval. Mayor Losner seconded the motion; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

Chairman Kerbel requested that staff prepare draft ballot language for the technical amendments to be reviewed at the next meeting. He stated this would help the CRTF understand the total number of ballot questions that would ultimately be presented to voters.

ACA Valdes confirmed that a draft ballot question could be prepared and noted that amendments could be packaged together as the Task Force determined.

Chairman Kerbel requested that staff also prepare draft ballot language for the constitutional officer amendments, since the complete slate of those amendments would be available for review at the next meeting.

**VII. Discussion on Amendments regarding the Structure of County Government**

Chairman Kerbel noted that given the length of today's meeting and yesterday's budget discussions, he proposed briefly introducing the topic of County structure and conducting a more thorough discussion at future meetings once outstanding business had been addressed.

Chairman Kerbel outlined that the discussion would examine the relationship between the Mayor and the Board under the strong mayor system, the respective powers of each office, and the overall governmental structure. He encouraged Task Force members with specific proposals to submit language to staff for inclusion on future agendas.

Chairman Kerbel expressed interest in exploring term limits and commissioner salaries, structured to avoid benefiting current office holders. He suggested this had been an obstacle in previous attempts and outlined his preliminary view was 12-year term limits for commissioners and salaries set in accordance with State law.

Mayor Losner referenced previous discussions regarding recall percentages and requested staff compile data for each district, including voter numbers, resident populations, and turnout percentages from the 2022 and 2024 elections.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Mayor Losner moved to authorize staff to compile the requested information. Mayor Dieguez seconded the motion; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

Chairman Kerbel established that Task Force members could request information directly from staff, which would be distributed to all members for the next meeting.

Mayor Losner outlined additional topics for future discussion, including requiring special elections for County Commission vacancies exceeding one year, extending district residency requirements from six months to one year with corresponding voter registration requirements, and exploring a structure where each voter would have two commissioners. He described a potential configuration of nine single-member districts with four overlapping districts to maintain 13 total commissioners. Mayor Losner noted that Live Local legislation was significantly impacting population distribution, particularly in the southern portion of the county.

Chairman Kerbel sought clarification regarding whether this would alter the current 13 single-member district structure.

Mayor Losner clarified that the total number of commissioners would remain 13 but with a different configuration.

Commissioner Moss expressed concern about devoting time to structural changes without evidence of significant dysfunction in the current Board operations. He stated he did not object to discussion but questioned the need for changes if the system was functioning adequately.

Chairman Kerbel suggested requesting comparative data on term limits and commissioner salaries from other large counties, similar to the constitutional officer research previously provided.

Ms. Escarra requested previous ballot language regarding term limits and salaries presented to Miami-Dade voters.

Mr. Eikenberg moved that staff gather information on previous ballot language addressing term limits and salaries, plus comparative data from other counties.

Chairman Kerbel proposed a friendly amendment to include information about governmental structures in other major counties regarding single-member districts versus at-large representation.

Mayor Losner proposed adding information about limitations on outside compensation for commissioners in counties that provide significant compensation.

Commissioner Moss proposed adding information about counties or major cities that had successfully passed term limits or salary change measures through voter approval.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Chairman Kerbel noted that Miami-Dade may be unique in specifying commissioner salaries in the charter.

Mr. Eikenberg moved that staff gather and present ballot language addressing term limits and salaries, plus comparative data from other counties, along with the requested information as outlined by Chairman Kerbel, Mayor Losner and Commissioner Moss. This motion was seconded by Ms. Escarra; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

ACA Valdes informed Task Force members that the County Attorney's office was available to assist with legal research and implications for proposed amendments prior to meetings to facilitate efficient discussions. He stated this would allow the office to provide legal guidance at meetings rather than requiring follow-up research.

Chairman Kerbel inquired whether the County Attorney's office would draft proposed language if requested by task force members.

ACA Valdes confirmed that assistance would be provided.

Chairman Kerbel stated that staff should provide available information by the next meeting and anticipated this topic would require at least two additional meetings to address adequately.

Chairman Kerbel confirmed the next meeting would be held on September 17th at 1:00 p.m.

### **VIII. Other Discussion Items**

- None presented.

### **IX. Adjournment**

There being no further business to come before the CRTF, the meeting was adjourned at 3:07 p.m.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its fifth meeting at the Stephen P. Clark Center, Commission Chambers, 111 NW First Street, Second Floor, Miami, Florida 33128, on September 17, 2025, at 1:27 p.m.

**I. Roll Call**

The following Task Force members were present at roll call:

- Senator Alexis Calatayud;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Robert H. Fernandez;
- Mr. Jose Jimenez;
- Chairman Dennis A. Kerbel;
- City of Aventura Mayor Steven D. Losner;
- Former City of North Miami Mayor Andre D. Pierre;
- Vice Chairman Michael D. Redondo (State Representative for House District 20);
- Ms. Rebecca Wakefield;
- Former City of Miami Shores Mayor Crystal Wagar; and
- Former Miami-Dade Commissioner Dennis Moss.

Town of Miami Lakes Mayor Joshua Dieguez appeared via Zoom.

Ms. Stephanie V. Daniels and Mr. Rafael E. Granado sent written notification of their absence.

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

- Assistant County Attorney (ACA) Mr. Michael Valdez;
- Mr. Oren Rosenthal, General Counsel, Supervisor of Elections;
- Mr. Carlos Maxwell, Assistant Director, Office of Management and Budget (OMB);
- Mr. Ryan Lafarga, Assistant Advisor, OMB; and
- Ms. Flora Garcia, Deputy Clerk, Clerk of the Board (COB).

**II. Pledge of Allegiance**

Mayor Crystal Wagar led the Pledge of Allegiance.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

**III. Reasonable Opportunity for the Public to be heard**

Chairman Kerbel opened the reasonable opportunity for the public to be heard.

Mr. Oren Rosenthal addressed the Task Force regarding previously adopted proposals from the Supervisor of Elections (SOE). He clarified that these proposals pertained to Section 9.01 of the Miami-Dade County Charter and had been approved by the Task Force on August 25, 2025. Mr. Rosenthal explained that while the Task Force had adopted amendments prohibiting the County from abolishing, impairing, or transferring powers from constitutional officers, the current draft document had relocated these provisions from Section 9.01 to Section 1.01A for simplification purposes.

Mr. Rosenthal expressed concern that Section 1.01A, which enumerates affirmative powers granted to the Board of County Commissioners (Board), was not the appropriate placement for these prohibitions. He argued that the provisions should remain in Section 9.01, as originally adopted, because they represented broad prohibitions applicable to the entire County rather than limitations on the Board's ordinance-making authority. He further noted that a critical word, "transfer," had been inadvertently omitted during the consolidation process and recommended its reinsertion. Additionally, Mr. Rosenthal proposed adding a new subsection 9.01(d) to explicitly state that the County shall not abolish, impair, or transfer the jurisdiction, responsibilities, powers, or duties of constitutional officers as established by the Florida Constitution and general law.

Chairman Kerbel acknowledged the importance of eliminating redundant provisions while ensuring clarity.

ACA Michael Valdez explained the rationale behind the consolidation decision. He noted that Section 9.01 was drafted to provide historical context regarding the evolution of constitutional officer roles, particularly following Amendment 10, which restricted the County's ability to modify these offices. ACA Valdez emphasized that repeating the same prohibitions in multiple sections would create unnecessary redundancy, particularly since Section 9.01(c) already detailed Amendment 10 prohibitions. He maintained that the current structure was legally sufficient and that creating additional subsections would duplicate existing provisions.

Regarding Chairman Kerbel's inquiry relating to the County's powers, Mr. Valdez advised that the Florida Constitution and State law prohibited the County from abolishing, impairing, or eliminating existence by ordinance or other means any of the subject functions.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Hearing no other members of the public wishing to speak, Chairman Kerbel closed the reasonable opportunity to speak.

**IV. Comprehensive Overview of Approved Amendments Related to the Constitutional Officers**

Chairman Kerbel transitioned the meeting to a comprehensive overview of approved amendments related to constitutional officers.

Ms. Escarra raised questions regarding Section 1.01A(4), specifically the insertion of the word "municipal" before "police protection." She expressed concern that this addition had not been discussed at the previous meeting and sought clarification on its purpose, given that individual municipalities maintain their own police departments.

Chairman Kerbel explained that the Task Force had previously discussed preserving the County Commission's authority to establish countywide standards for police protection, even though the Sheriff's Office now handled direct law enforcement functions for unincorporated areas. He noted the insertion of "municipal" was intended to clarify that the County retained the power to set minimum standards for municipal police departments while acknowledging that the Sheriff's Office operated independently under State law and was not subject to County ordinance standards.

ACA Valdez stated the distinction was necessary to prevent the Sheriff's Office from being subject to County-established standards while maintaining the County's ability to set baseline requirements for municipal law enforcement agencies.

An unidentified representative for the Sheriff's Office confirmed the Office did not have the authority to establish countywide police standards.

Ms. Escarra recommended incorporating a cross-reference to Section 9.01 to provide complete historical context.

Chairman Kerbel clarified that Section 9.01 was designed to outline the historical background of constitutional officer provisions and the Florida Constitution's requirements, while Section 1.01A(19) specified prohibitions on the County Commission's exercise of powers. He opined that the two sections served distinct purposes and were not duplicative.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Mr. Rosenthal concurred with this assessment, noting that Section 1.01A(19) addressed affirmative powers of the Board while Section 9.01 should address prohibitions related to constitutional officers.

Regarding Ms. Escarra's question, Mr. Valdez advised that he believed it would read awkwardly to include in Section 1.01(A)(19) language saying, "except as provided in Section 9.01," and stipulate a list of exceptions after including language listing what the Board could do.

Mr. Fernandez advised that, based on the discussion, the Task Force would be amending Section 9.01. Therefore, he suggested that the language in Section 9.01(A) be added to Section 9.01(D). He expressed his agreement with Mr. Rosenthal's suggestions and the proposed language in Section 1.01(A)(17) relating to contracts.

Vice Chairman Redondo agreed with Mr. Valdez's recommendation and proposed using simpler wording to facilitate the public's understanding of the Charter.

Mr. Jimenez expressed his agreement with the current language in Section 1.01(A)(19) relating to the abolishment and duties powers.

A discussion ensued among the Task Force members and Mr. Rosenthal regarding how to best avoid duplication.

Mr. Valdez advised that he preferred simplicity and avoiding cross-referencing other sections of the Charter.

Mayor Losner referenced the language in Section 1.01(A)(4) stating "to provide a uniform system for fire and police protection." He noted that the Task Force had discussed setting uniform standards for fire and police protection. Therefore, that was the language that should be used.

Chairman Kerbel said the language would allow the County Commission and Sheriff's Office to work simultaneously on establishing uniform standards, and it would be appropriate to maintain that power. He asked whether the two concepts could be separated because the Task Force wished to change the language to recommend establishing a uniform system for fire protection and uniform standards for municipal police protection.

Chairman Kerbel advised that the language of the last sentence in Section 1.01(A)(4) would be modified as follows:

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

1. To add the word “protection” after the word “fire;” and
2. To insert the words “uniform standards” before the phrase “municipal police protection.”

Mr. Valdez agreed to the proposed language changes.

In response to Commissioner Moss’s questions regarding whether other Charter provisions needed revision, Mr. Valdez advised that potential language was proposed to revise Sections 9.10 and 9.11 of the Charter relating to the audit provisions. He noted that he was asked to draft language after the discussion.

Mr. Valdez proposed modifying Section 9.10, Attachment 1, as follows:

1. To add the phrase “audits, as permitted by law, as well as,” after the wording “providing the Commission with” in the third sentence of the paragraph; and
2. To delete the word “audit” before the word “management.”

Mr. Valdez proposed modifying Section 9.11, Attachment 1, as follows:

1. To add the wording “as permitted by law” after the word “audit” in line 7 of the paragraph

Ms. Escarra questioned Section 5.04 relating to the assessment and collection of taxes and the wording referring to the year the Tax Collector began collecting taxes.

Upon concluding the foregoing discussion, the Task Force members unanimously agreed to delete the wording “beginning with the tax year 1961.”

Chairman Kerbel questioned whether the reference to the tax year 1961 should be included in Section 9.01.

Discussion ensued between Chairman Kerbel, Mr. Valdez, and Ms. Escarra regarding whether to reference the year the Tax Collector began collecting taxes.

Mr. Valdez asked for additional time to review the reason for including the beginning of the tax year in the historical description.

Mr. Valdez confirmed that the beginning of the tax collection year was mentioned in the historical section because Section 4.04, Assessment and Collection of Taxes, of the 1956 Charter

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

referenced that the tax collection would begin in 1961, and it indicated how taxes would be collected in future years.

Regarding Mr. Eikenberg's question, Chairman Kerbel clarified that the responsibilities of independent budgetary and management were distinct and always grammatically separated by a comma.

Mr. Valdez further clarified that it was understood as management analyses, revenue forecasting analyses, and fiscal analyses.

Chairman Kerbel questioned whether it would be appropriate to add a sentence at the end of Section 9.01(A) to acknowledge in the office's history its abolishment.

Mr. Valdez explained that the purpose of including the statement that the tax collection would begin in the year 1961 was to clarify that all assessed property taxes would be reflected in one bill.

In response to Chairman Kerbel's question, Mr. Valdez responded that the year 1961 would be deleted.

Chairman Kerbel clarified that the Task Force members had agreed on the following revision recommendations:

1. Revising Section 1.01(A)(4) to provide uniform systems for fire protection and uniform standards for municipal police protection;
2. Inserting the Interlocal Agreement language in Section 1.01(A)(17) to add the Constitutional Officers;
3. Agreeing to insert the word "transfer" in Section 1.01(A)(19); and
4. Revising Section 5.04 to delete the reference to the year that the Tax Collector began collecting taxes to "read all County and municipal ad valorem taxes shall be collected by the Tax Collector in accordance with State law."

Mr. Eikenberg moved that the Task Force accept the aforementioned revision recommendations read into the record by Chairman Kerbel, including the transfer language for the Constitutional Officers. The motion was seconded by Mayor Pierre; and upon being put to a vote, the motion passed by a vote of 12-0. (Ms. Daniels and Mr. Granado were absent, and Mayor Dieguez participated virtually.)

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

**V. Proposed Ballot Title & Summaries**

Chairman Kerbel introduced the proposed technical changes and amendments to the Charter and opened the floor for discussion.

Mr. Valdez suggested the language could be more concise if the Task Force wished to incorporate other revision recommendations relating to another Charter section. He pointed out that the Task Force could opt to vote on the proposed changes and amendments now or after the discussions were concluded. He advised that the proposed language was in a legally sufficient form if the Task Force wished to vote now.

Chairman Kerbel opened the floor for discussion.

In response to Vice Chairman Redondo's question, Mr. Valdez advised that whether the foregoing proposed changes would need further review depended on the nature of other proposed technical changes and amendments proposed in future discussions. He noted that the Task Force would be able to make additional proposed revisions.

Commissioner Moss moved to accept the foregoing proposed technical changes and amendments to the Charter. This motion was seconded by Mayor Wagar; and upon being put to a vote, the motion passed by a vote of 12-0. (Ms. Daniels and Mr. Granado were absent, and Mayor Dieguez participated virtually.)

**VI. Discussion on the Structure of County Government**

Chairman Kerbel opened the floor for questions and discussion on the research compiled regarding the structure of other County government forms.

Mr. Eikenberg asked about the salary computations of Constitutional Officers listed in Attachment 7, page 10.

Discussion ensued among the Task Force members regarding the compensation structure and salary computations.

In response to Commissioner Moss's request, Mr. Valdez stated that staff extensively researched ballot questions where the salary measure succeeded. He stated that the State of Arizona passed a

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

successful ballot measure to increase legislators' or commissioners' salaries, and he explained the methodology used.

Commissioner Moss advised that the City of San Antonio also passed a successful ballot measure in 2024 to increase salaries for their City Council and Mayor. He requested research on how the City of San Antonio passed the salary increase measure and if other issues were used to achieve consensus among the constituents.

Mr. Valdez advised that the research data would be presented at the next Task Force meeting.

In response to Chairman Kerbel's questions, Mr. Valdez advised that the ballot measure was prompted by the State legislation and approved as a Constitutional amendment by the people.

Chairman Kerbel and Mr. Valdez discussed the salary increase and its phased implementation.

Chairman Kerbel advised that he disagreed with inserting the compensation increase measure in the Charter. He suggested proposing to set the salaries as State law, excluding an initial salary figure, and creating a system or formula to determine compensation.

In response to Commissioner Moss's question, Mr. Valdez stated that the ballot question law required providing the voters with a clear understanding of context and intent.

Upon conclusion of the discussion between Commissioner Moss and Mr. Valdez regarding the ballot question's language, Mr. Valdez advised that he needed to research recent court cases about the required ballot disclosure.

Commissioner Moss explained that commissioners should receive living wage compensation because it was a full-time job to expand the pool of potential qualified candidates.

Mr. Jimenez expressed his agreement with Commissioner Moss's comments and asked the County Attorney's Office to review the feasibility of using an initial salary figure with State law incremental increases if he was unable to find recent court case law.

Senator Calatayud proposed recommending two compensation formulas for full-time and part-time commissioners that would reduce compensation for commissioners with outside employment.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

In response to Chairman Kerbel's question, Mr. Valdez stated that the statewide salary formula provides compensation for the office without prohibition or regulation about outside employment for the Constitutional offices or County Commissioners.

Discussion ensued among the Task Force members and Mr. Valdez on the compensation structure of the 20 County-chartered governments identified in the research documents, the County Charter's language describing the County Commissioners' compensation at \$6,000 annually, and the compensation for state-wide elected County Constitutional Officers and School District Officials for Fiscal Year (FY) 2024-25 reflected in Attachment 7.

Mr. Valdez clarified that State law prevents counties subject to the statutory compensation formula from increasing or providing additional compensation beyond what was described in the State law provisions. He further clarified that the County had broad Home-Rule powers to govern itself as it deemed feasible, and the compensation method for County Commissioners was one of the powers listed in the County's Home Rule Amendment that allowed deviation from State provisions. He pointed out that very few issues limited the decision on compensation, and it was mostly based on the will of this Task Force and ultimately the will of the voters.

Vice Chairman Redondo agreed with the need to increase the commissioners' compensation, noting that the salary computation methodology should be based on the research findings.

Ms. Wakefield agreed with the suggestion proposed by Chairman Kerbel to exclude referencing a salary figure and ask the voters to approve compensation up to a certain level.

Commissioner Moss commented that the Task Force should continue its efforts to persuade the Board of County Commissioners to pursue approval of a compensation increase for County Commissioners. He reiterated his request to receive feedback from the City of San Antonio on how they achieved a successful ballot measure.

Mayor Losner expressed his agreement with the need to increase compensation, stating that he believed the voters would not approve that measure without imposing limitations on outside employment. He suggested that the figure be set at 140% of the amount provided in the State's table, with the requirement of no outside employment. He noted that the compensation could be set at the 140% of the State rate without adopting the State's table.

Chairman Kerbel suggested recommending two compensation formulas. He recommended that one formula could establish compensation at the State formula with the outside employment

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

prohibition, and the second formula would establish compensation at \$6,000 without the outside employment prohibition.

In response to Mayor Losner's and Chairman Kerbel's inquiries, Mr. Maxwell stated that his department needed to review the State's formula and how the incremental increases were applied, including whether automatic cost-of-living increases were provided, to answer the question accurately.

Senator Calatayud recommended proposing to establish compensation at a percentage of the current State formula without reference to part-time or full-time, and tripling or quadrupling the current salary of a County Commissioner.

Ms. Escarra recommended using the County's area median income (AMI) as a baseline to establish compensation.

Commissioner Moss commented that applying the AMI concept to the compensation had been discussed in the past, but the proposal was never placed on the ballot for approval. He pointed out that using the AMI data represented a hopeful option.

Mr. Jimenez asked Mr. Valdez to provide information on the compensation of the Miami-Dade County Public School (MDCPS) Board officials and other local elected officials in the County.

Chairman Kerbel expressed his preference to incorporate a definite compensation figure in the ballot language.

Mr. Jimenez recommended including an automatic incremental increase formula with the compensation figure. He noted that he would not support including a compensation figure without the incremental increase formula.

Mr. Eikenberg asked for information about the compensation level of the County's Constitutional Officers.

Mr. Lafarga advised that the Constitutional Officers' compensation was approved by the governing body of the State of Florida Revenue Department in accordance with State law provisions. He noted that he would compile a list of their salaries from the FY2025-26 budget and provide it to the Task Force members.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Chairman Kerbel asked that the information regarding the Constitutional Officers' compensation be provided at the Task Force's next meeting.

Mr. Rodriguez suggested that the Task Force incorporate the guiding principles of vulnerability and clarity when drafting the ballot question language due to the legal and political considerations associated with this issue.

Chairman Kerbel suggested considering limiting the date to effectuate the implementation of the compensation increase.

Mayor Losner suggested using the term limit dates to establish the effective date and proposed making the compensation measure effective in the year 2029 to limit the number of incumbent commissioners benefiting. He noted that two County Commission election cycles would expire before the legislation became effective.

Chairman Kerbel directed County staff to compile information on the following issues for the next Task Force:

1. List of the salaries of the MDCPS Board officials
2. List of the salaries of the Constitutional Officers
3. Information on the current AMI
4. List of the salaries of the elected officials in all of the County's 34 municipalities
5. List of all benefits included in the State law compensation provisions

An unidentified staff member indicated that the County's current AMI was \$87,000 as of May 2025. He explained how the AMI was applied in federal programs.

Chairman Kerbel cautioned about the reference point that the Task Force should use to prevent the salary from being adjusted based on family size.

Mr. Valdez presented the ballot information introduced before the City of San Antonio's voters. He stated that the ballot language set City Commissioners' salaries at \$70,200 and \$87,800 for the City's Mayor, with future adjustments to correlate with the United States Department of Housing and Urban Development (USDHUD) for a 4-member household average median income for the City of San Antonio. He advised that he would further research and provide additional information on the City of San Antonio's successful ballot.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Mayor Losner pointed out the importance of performing a comprehensive review of all the benefits provided to elected officials in addition to their salaries before proposing a recommendation.

Ms. Wakefield proposed reviewing the County Mayor's salary and considering including it in the Charter due to the changes in the duties and roles of that office since the inception of the Office of the Sheriff.

In response to Ms. Wakefield's suggestion to include the County Mayor's salary in the Charter, Chairman Kerbel suggested the Task Force should focus on drafting an appropriate ballot question language acceptable to the voters and developing a compensation formula for the ballot.

In response to Chairman Kerbel's question, Mr. Valdez advised that the Charter does not set the County Mayor's salary.

In response to Mr. Fernandez's question, Mr. Valdez responded that the Board of County Commissioners sets the County Mayor's salary.

Ms. Escarra suggested reviewing the issue of extending term limits from two to three terms to allow the Board members to serve 12 years due to the complexities of developing and completing projects.

Chairman Kerbel agreed with Ms. Escarra's suggestion.

Discussion ensued among the Task Force members regarding the proposal to recommend extending term limits.

Senator Calatayud and Commissioner Moss expressed their support for discussing the issue of term limits.

Mr. Jimenez proposed considering two terms of six years if the Task Force members agreed to discuss the issue to limit the frequency of holding elections, even though he opposed increasing term limits.

Senator Calatayud commented on Tallahassee's new interest in reducing term limits to eight years for certain elected government bodies.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Mr. Fernandez expressed opposition to presenting both term limit options in the ballot because it would be more difficult to have either option approved.

Chairman Kerbel recommended drafting ballot language for both options, the 3-term 12-year limit option and the 2-term 12-year option, for discussion and to determine which proposal to recommend.

Ms. Escarra agreed with Chairman Kerbel's recommendation.

Senator Calatayud recommended opting to propose a term limit option now and proposing the alternative option in the future.

Chairman Kerbel agreed with Senator Calatayud's recommendation as an option.

Vice Chairman Redondo advised that he wished to review other sections of the Charter that were not structural and come back with recommendations.

Chairman Kerbel pointed out that he also wished to review other sections of the Charter regarding annexations, incorporations, sea level rise, resilience, budget, and planning.

Mr. Valdez advised that he would be available to meet with Task Force members wishing to discuss proposed ballot question language.

Upon conclusion of the foregoing discussion, Chairman Kerbel directed County staff to provide all the requested information at the next Task Force meeting.

**VII. Other Discussion Items**

**A. Meeting Schedule**

Upon reaching a consensus, Chairman Kerbel scheduled the next two Task Force meetings as follows:

1. October 10, 2025, from 10:00 a.m. to 1:00 p.m.
2. October 27, 2025, from 10:00 a.m. to 1:00 p.m.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

**VIII. Adjournment**

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting was adjourned at 3:14 p.m.

# **Miami-Dade County Charter Review Task Force**

Preliminary Recommendations Report

October 2025

[www.miamidade.gov/charter](http://www.miamidade.gov/charter)

## Table of Contents

I. Executive Summary .....	3
II. Introduction and Background .....	4
III. Task Force Progress .....	5
A. Issues for Study .....	5
B. Preliminary Recommendations .....	5
C. Proposed Ballot Language for Recommended Charter Amendments .....	6
D. Research .....	7
E. Public Meetings and Input .....	7
F. Public Website, E-mail, and Meeting Notices .....	8
IV. Conclusion .....	8
Appendix A - Charter Review Task Force Appointments	
Appendix B - Compilation of Charter Revisions Relating to Constitutional Officers	
Appendix C - Compilation of Charter Revisions Relating to Technical Changes	
Appendix D - Agenda Meeting Minutes	

## I. Executive Summary

Pursuant to Resolution No. R-255-24, the 2025 Miami-Dade County Charter Review Task Force (“Task Force”) reviewed the Home Rule Charter of Miami-Dade County. This Interim Report outlines the Task Force’s preliminary recommendations to date.

The Task Force convened for the first time on July 10, 2025, and has conducted seven public meetings to date, and gathered input from experts, the public, County staff, and Constitutional Officers. At this point in the Task Force’s extensive review process, two amendments to the Miami-Dade County Home Rule Charter have been proposed. Additional recommendations will be provided in the Final Report due in 2026.

### **Recommended Charter Amendments:**

- **Recommendation 1: Revisions Due to the Reestablishment of Elected County Constitutional Offices.** Amend the Charter to address the reestablishment of the elected County Constitutional Offices of Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections; clarify the respective duties of the Clerk and the County with respect to finance and budget; and require County employees to take a leave of absence when running for an elected Constitutional Office.
- **Recommendation 2: Miscellaneous Matters and Technical Changes.** Amend the Charter 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.

## **II. Introduction and Background**

Miami-Dade County became the first home rule county in Florida with the adoption of its Home Rule Charter in 1957. The Charter was adopted pursuant to a special grant of authority in the Florida Constitution, known as the Miami-Dade County Home Rule Amendment. The year 2025 marks the 68th anniversary of the Charter's adoption. The Home Rule Amendment grants Miami-Dade voters broad authority to determine the structure and powers of their local government.

The Home Rule Charter begins with a Citizens' Bill of Rights. The Charter further outlines the powers of the Board of County Commissioners and the Mayor and establishes their election processes. The Charter also addresses the County's Administrative Organization and Procedure and other general County powers, and powers and procedures for initiative, referendum, and recall of certain officers. With regard to municipalities, the Charter establishes the framework for the exercise of municipal powers, for the creation of new municipalities, and for municipal boundary changes.

To ensure the Home Rule Charter remains responsive to the community's evolving needs, Section 9.08 requires the Board of County Commissioners to review the Charter at least every five years and determine whether revisions are necessary. Any proposed amendments must be approved by an affirmative vote of the electorate at a General Election. Amendments may be proposed by the Board of County Commissioners or through a citizen petition.

On November 6, 2018, Florida voters adopted Amendment 10 to the State Constitution. As a result, the offices of Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections were reestablished as independently elected constitutional officers in Miami-Dade County, effective January 7, 2025. This transition necessitates amendments to the Home Rule Charter to align it with the requirements of Amendment 10. To incorporate the input of these elected constitutional officers in revising the Charter, the Task Force was established after their reestablishment.

On March 29, 2024, the Board of County Commissioners approved Resolution No. R-225-24, establishing the 2025 Charter Review Task Force. The Task Force is comprised of fifteen members: one appointed by each of the thirteen County Commissioners, one by the Mayor, and one by the Chair of the Miami-Dade Legislative Delegation. The Task Force is charged with reviewing the Home Rule Charter in its entirety and submitting written recommendations for proposed amendments or revisions to the Board of County Commissioners.

Specifically, the Task Force was directed to:

- Study the Final Report of the Charter Review Task Force dated February 26, 2018.
- Review all proposed charter amendments submitted by voters since the last Charter Review Task Force issued its recommendations.
- Solicit input from the County's elected constitutional officers.
- Invite knowledgeable community members to provide recommendations.
- Conduct public hearings at the initial, draft, and final stages of the review process.
- Submit a final report to the Board by 2026.

### **III. Task Force Progress**

#### **A. Issues for Study**

On July 10, 2025, the Charter Review Task Force voted to adopt areas of study for review. The Task Force identified the following areas of study, listed in the order they will be considered: (1) Constitutional Offices, (2) Government Structure, (3) Annexation and Incorporation, (4) Land Use and Sea level Rise, and (5) Budget Processes.

#### **B. Preliminary Recommendations**

Throughout the Charter review process, Task Force members proposed several recommendations based on individual ideas and public input. Each recommendation was presented, studied, discussed, and voted on by the Task Force.

The Charter Review Task Force, as directed by the Board, actively sought input from constitutional offices and the public. During the August 1, 2025, meeting, the offices of the Sheriff, Tax Collector, Property Appraiser, Clerk and Comptroller, and Supervisor of Elections presented proposed amendments to the Task Force. These recommendations included removing obsolete references to align with state law and other suggested changes, which informed Recommendation 1.

Additionally, the Task Force identified an opportunity to amend scrivener's and technical errors in the Charter. The Mayor's Office collaborated with the County Attorney's Office to propose purely technical amendments, including consistent stylistic conventions for grammar. These edits were presented to the Task Force as Recommendation 2. Both measures were approved during the September 5, 2025 Task Force meeting.

Below are the Task Force's recommendations to the Board of County Commissioners to date.

**Recommendation 1: Revisions Due to the Reestablishment of Elected County Constitutional Offices.** Amend the Charter to address the reestablishment of the elected County Constitutional Offices of Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections; clarify the respective duties of the Clerk and the County with respect to finance and budget; and require County employees to take a leave of absence when running for an elected Constitutional Office (*Motion passed 10-0*).

**Recommendation 2: Miscellaneous Matters and Technical Changes.** Amend the Charter 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 (*Motion passed 10-0*).

The text amendments recommended by the Task Force are attached in Appendices B and C.

### **C. Proposed Ballot Language for Recommended Charter Amendments**

The Task Force recommends that Miami-Dade County voters be presented with the following ballot questions to approve the recommended Home Rule Charter Amendments:

- 1. Revisions due to Reestablishment of Elected County Constitutional Offices:** 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.
- 2. Miscellaneous Matters and Technical Changes:** 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.

## **D. Research**

The Task Force reached the foregoing preliminary recommendations after conducting significant research. Throughout the Charter review process, County Staff collected and evaluated extensive supplemental research materials in advance of scheduled discussion topics at the request of the Task Force and its members. For example, the Task Force was provided by County Staff with a comparative analysis of charters from Florida jurisdictions with populations and budgets similar to those of Miami-Dade County, as well as comparisons of powers delegated to County Constitutional Offices, the County Board, and the County Mayor. Additionally, County Staff conducted in-depth research, including reviewing trends in compensation and powers delegated to elected or appointed officials. Finally, Task Force members received historical background information on existing Charter provisions, a State of Florida salary report, and a list of recently passed and failed ballot initiatives to amend the Charter.

In addition to the supplemental research materials provided by County Staff, the County Attorney's Office presented an overview of the Charter and applicable Florida state law and answered legal questions posed by the Task Force. The research and data provided to the Task Force supported a thorough review and discussion of the Charter amendment process.

## **E. Public Meetings and Input**

In addition to relying on extensive research, the Task Force reached its preliminary recommendations after conducting seven public meetings,<sup>1</sup> which provided the public an opportunity to provide input to the Task Force and to recommend changes to the Charter. The Task Force has met on the following dates and locations, with opportunities for public input on potential Charter amendments:

- July 10, 2025, at 12:00 p.m.: County Commission Chambers
- August 1, 2025, at 10:00 a.m.: Miami-Dade Main Library Auditorium
- August 25, 2025, at 10:00 a.m.: Miami-Dade Main Library Auditorium
- September 5, 2025, at 1:00 p.m.: County Commission Chambers
- September 17, 2025, at 1:00 p.m.: County Commission Chambers
- October 10, 2025, at 10:00 a.m.: County Commission Chambers
- October 27, 2025, at 5:00 p.m.: North Dade Regional Library

The Charter Review process has solicited input from Constitutional Officers and the public, as directed by the Board. The offices of the Sheriff, Tax Collector, Property Appraiser, Clerk and Comptroller, and Supervisor of Elections presented potential changes to the Task Force during the meeting on August 1, 2025, and provided additional

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<sup>1</sup> All meetings of the Task Force were video recorded and are available for view at <https://www.miamidade.gov/global/government/charter/task-force-2025/meetings.page>. In addition, the first six meetings of the Task Force were publicly-televised on Miami-Dade TV.

input at the August 25 and September 5 meetings. The Task Force reviewed and considered these changes, which were combined into Recommendation 1.

In compliance with Resolution No. R-225-24, the Task Force has held two regional public meetings and plans to hold additional regional public meetings to allow additional opportunities for public participation across Miami-Dade County. As with all convenings of the Task Force, the public can participate in these regional public meetings in person or view the meetings online. The Task Force held regional meetings on August 25, 2025, at 10:00 a.m. at the Miami-Dade Main Library Auditorium and on October 27, 2025, at 5:00 p.m. at the North Dade Regional Public Library.

## **F. Public Website, E-mail, and Meeting Notices**

Since its inception, the Task Force has been committed to fostering a transparent public dialogue through its dedicated public website, email address, and meeting notices. The 2025 Charter Review Task Force website launched in July 2025. The website ([www.miamidade.gov/charterreview](http://www.miamidade.gov/charterreview)) includes information on the 2025 Task Force members, responsibilities, meetings, agendas, and minutes, as well as historical charter information, previous task force reports, and staff research. The public can submit comments to the Task Force via email at [charter@miamidade.gov](mailto:charter@miamidade.gov). All comments received are provided to Task Force members for review and will continue to be shared.

Moreover, per Florida Statute, sunshine meeting notices are circulated and posted online to the County calendar in advance of each meeting. The *Miami Today* has consistently reported on the 2025 Charter Review Task Force. *Miami Today* has over 60,000 readers and a weekly circulation of 14,000 copies. The Task Force was also highlighted in *Miami Laker*, a community newspaper for the Town of Miami Lakes.

## **IV. Conclusion**

The 2025 Miami-Dade County Charter Review Task Force has conducted a thorough and inclusive review of the Home Rule Charter as outlined in Resolution No. R-255-24. Through seven public meetings and collaboration with County staff, elected constitutional officers, and experts, the Task Force has thus far proposed two amendments to the Charter.

Recommendation 1 ensures the seamless integration of the County Constitutional Offices in the Charter and compliance with State law. Recommendation 2 enhances the Charter's clarity and accessibility through essential technical updates and removing or updating outdated language. As the Task Force continues its work toward the Final Report, due in 2026, it remains committed to fostering transparent public dialogue and delivering recommendations that uphold a resilient and adaptive framework for local governance.

## Appendix A - Charter Review Task Force Appointments

<b>Members</b>	<b>Appointing District/Entity</b>
Stephanie Daniels	District 1
Mayor Andre D. Pierre	District 2
Mayor Crystal Wagar	District 3
Rafael E. Granado	District 4
Rebecca Wakefield	District 5
Robert H. Fernandez	District 6
Iris Escarra	District 7
Dennis A. Kerbel*	District 8
Commissioner Dennis C. Moss	District 9
Representative Mike Redondo**	District 10
Senator Alexis Calatayud	District 11
Joe Jimenez	District 12
Mayor Joshua Dieguez	District 13
Eric Eikenberg	Office of the Mayor
Mayor Steven D. Losner	MDCSLD

\*Chairperson

\*\*Vice Chairperson

## **Appendix B - Compilation of Charter Revisions Relating to Constitutional Officers**

## PART I - CONSTITUTIONAL AMENDMENT AND CHARTER<sup>11</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 ~~>>protection<<~~ and ~~>>uniform standards for 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, transfer, 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 ~~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 (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.

## **Appendix C - Compilation of Charter Revisions Relating to Technical Changes**

**Update gender terminology (change “he” to “he or she” as was done in other sections) (Sections 1.05; 5.06; 8.02; 9.01; etc.)**

**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 **or she** was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his **or her** office. Any Commissioner who ceases to reside in the district which he **or she** 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 **or her** 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.

**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 **or she** 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 **or her**. He **or she** 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 8.02. RECALL.**

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 **or she** 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 **or she** takes office nor within one year after a recall petition against him is defeated.

**SECTION 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.**

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 **or she** so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he **or she** was elected, and shall provide for the continuation of all duties and functions of these offices required under the Constitution and general laws.

**Update names throughout, for example “Dade County” to “Miami-Dade County” and dated Park names in Article 7 (§§ 1.05; 5.08, 7.02, 7.03, 9.06)**

**CITIZENS’ BILL OF RIGHTS**

(B). The foregoing enumeration of citizens’ rights vests large and pervasive powers in the citizenry of **Miami-Dade County**. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the County. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C). Remedies for Violations. A citizen may bring a cause of action alleging a violation of this Article filed in the Miami-Dade County Circuit Court pursuant to its general equity jurisdiction and if successful, shall be entitled to recover costs as fixed by the Court. The Commission on Ethics and Public Trust may also enforce the provisions of this Article and may impose any penalty authorized by County Code not otherwise prohibited by a collective bargaining agreement, for a violation of this Article. Any penalty imposed by the Commission on Ethics and Public Trust pursuant to this subsection may be enforced in the Miami-Dade County Circuit Court.

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

C. Any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to any federal, state or municipal office shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

#### **SECTION 5.05. DEPARTMENT OF PERSONNEL.**

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.

#### **SECTION 5.08. BOARDS.**

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 countywide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Miami-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 Miami-Dade County.

C. Miami-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 7.02. RESTRICTIONS AND EXCEPTIONS.**

In furtherance of this policy parks shall be [...] in their present state, such as Matheson Hammock Park, Greynolds Park, Redlands Fruit and Spice Park, Castellow Hammock Preserve, Crandon Park, Trail Glades Park, Charles Deering Estate Park, Pine Shore Pineland Preserve Park, Old Cutler Hammock, Chapman Field Park, Tamiami Pinelands, Wainright Park, Larry and Penny Thompson Park, Whispering Pines Hammock Preserve, Mangrove Preserve, Camp Owaissa Bauer Park, Fuchs Hammock Park, Black Point Park and Marina, Simpson Park, E.G. Sewell Park, A.D. 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.

N. [...] 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 and 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 Zoo Miami Metro Zoo, Tamiami Stadium, Haulover Fishing Pier, the Miami-Dade County Auditorium, Phillip and Patricia Frost Museum of Science the Museum of Science, the Gold Coast Railroad Museum, Vizcaya Museum and Gardens, Trail Glade Range, Marlins Park the Orange Bowl, the Commodore Ralph Munroe Miami Marine Stadium, the Miami Seaquarium, Curtis Park track and stadium, Fairchild Tropical Botanic 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 Miami-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 41 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 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 Miami-Dade County at the time the petition is submitted. An initiative petition to amend this Charter shall be submitted, together with proposed ballot language, to the Clerk of the Circuit Court, who shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.

**SECTION 9.06. EFFECT OF THE CHARTER.**

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the Railroad and Public Utilities Commission Florida Public Service Commission or of any other state agency, bureau or commission now or hereafter provided for in this Constitution or by general law and said state agencies, bureaus and commissions shall have the same powers in Miami-Dade County as shall be conferred upon them in regard to other counties

**Inconsistent capitalization of County, hyphens, and use of the thousand separator in numbers (for example, 1500 in 7.01 and 7.02(B) versus 1,000 in 7.02(C), Countywide and County-wide, etc.)**

**SECTION 7.01. POLICY.**

Parks, aquatic preserves, and 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.

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;

**Inconsistent use of number parentheticals in Section 6.05 compared to the rest of the document either remove them or add them to all of the numbers in the Charter**

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

3. The Incorporation Committee will have six (6) months from the date by which the Board was required to have reviewed the incorporation petition to obtain signatures equal to twenty percent (20%) of the electors in the proposed incorporation area, with signatures on a petition provided by the Clerk. The petition shall require the name, address and signature of the elector and such signatures shall be notarized.

4. The signed petitions will be submitted to the Supervisor of Elections, who shall have thirty (30) days to canvass the signatures contained therein.

5. Upon certification of the sufficiency of the signatures on the petition, the Supervisor of Elections shall present the petition to the Board of County Commissioners at their next regularly scheduled meeting. After conducting a public hearing at such meeting, the Board of County Commissioners shall decide whether or not to call an election to authorize the creation of a city and approve a municipal charter for the proposed municipality. If the Board decides to call an election to authorize the creation of the municipality and approve the municipal charter, such election shall occur no sooner than ninety (90) and no greater than one hundred twenty (120) days from the date the Supervisor of Elections certifies the signatures.

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.

**Appendix D - Agenda Meeting Minutes**



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

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

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

Basia Pruna, Director  
Clerk of the Board Division

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



**FINAL OFFICIAL MINUTES  
CHARTER REVIEW TASK FORCE  
July 10<sup>TH</sup>, 2025**

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

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

In attendance were the following Task Force members:

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

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

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

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

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

## **II – INTRODUCTIONS OF CHARTER REVIEW TASK FORCE MEMBERS AND STAFF**

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

**FINAL OFFICIAL MINUTES  
CHARTER REVIEW TASK FORCE  
July 10<sup>TH</sup>, 2025**

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

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

**III – REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD**

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

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

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

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

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

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

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

**FINAL OFFICIAL MINUTES  
CHARTER REVIEW TASK FORCE  
July 10<sup>TH</sup>, 2025**

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

**V – PRESENTATIONS**

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

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

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

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

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

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

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

**FINAL OFFICIAL MINUTES  
CHARTER REVIEW TASK FORCE  
July 10<sup>TH</sup>, 2025**

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

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

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

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

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

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

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

**FINAL OFFICIAL MINUTES  
CHARTER REVIEW TASK FORCE  
July 10<sup>TH</sup>, 2025**

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

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

#### **D. STAFF REPORT ON TECHNOLOGICAL AND COMMUNICATION RESOURCES**

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

#### **VI – COMMENTS/DISCUSSION BY TASK FORCE MEMBERS**

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

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

**FINAL OFFICIAL MINUTES**  
**CHARTER REVIEW TASK FORCE**  
**July 10<sup>TH</sup>, 2025**

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

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

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

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

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

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

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

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

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

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

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

**FINAL OFFICIAL MINUTES**  
**CHARTER REVIEW TASK FORCE**  
**July 10<sup>TH</sup>, 2025**

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

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

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

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

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

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

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

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

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

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

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

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

**FINAL OFFICIAL MINUTES  
CHARTER REVIEW TASK FORCE  
July 10<sup>TH</sup>, 2025**

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

Chairman Kerbel summarized the agreed meeting topics sequence as follows:

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

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

Ms. Escarra inquired about virtual meeting capabilities.

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

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

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

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

**VII – ADJOURNMENT**

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



Chairman Dennis Kerbel  
Charter Review Task Force



# BOARD OF COUNTY COMMISSIONERS

## Miami-Dade County Charter Review Task Force

### July 10, 2025

Prepared by: Bryce Stephenson-Pickett

#### EXHIBITS LIST

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

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

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

**Attachments**

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

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

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

## MEMORANDUM

Agenda Item No. 11(A)(4)

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

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

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

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

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

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

  
 Geri Bonzon-Keenan  
 County Attorney

GBK/jp

MDC001



**MEMORANDUM**  
(Revised)

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

**DATE:** March 19, 2024

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

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

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

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

RESOLUTION NO. \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

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

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

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

JUAN FERNANDEZ-BARQUIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Michael B. Valdes



THE  
HOME RULE  
AMENDMENT  
AND  
CHARTER

(AS AMENDED THROUGH  
NOVEMBER 8, 2022)

MIAMI-DADE COUNTY, FLORIDA



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*The Miami-Dade County Home Rule  
Amendment to the Florida State Constitution  
was adopted November 6, 1956.  
The Miami-Dade County Home Rule Charter  
was adopted May 21, 1957.*

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# INDEX

	Page
<b>HOME RULE AMENDMENT</b> .....	<b>1-5</b>
<b>CHARTER</b> .....	<b>6</b>
<b>PREAMBLE</b> .....	<b>6</b>
<b>CITIZENS' BILL OF RIGHTS</b> .....	<b>7-11</b>
<b>ARTICLE 1 - BOARD OF COUNTY COMMISSIONERS</b> .....	<b>11</b>
1.01 - Powers .....	11-16
1.02 - Resolutions and Ordinances .....	16-18
1.03 - Districts .....	18
1.04 - Composition of the Commission .....	18
1.05 - Forfeiture of Office of County Elected and Appointed Officials and Employees .....	18-19
1.06 - Salary .....	19
1.07 - Vacancies in the Office of Mayor or County Commissioner .....	19-20
1.08 - Organization of the Commission and Commission Committees .....	20
<b>ARTICLE 2 - MAYOR</b> .....	<b>20</b>
2.01 - Election of Mayor .....	20
2.02 - Responsibilities of the Mayor .....	20-21
2.03 - Temporary Transfer of Mayoral Powers and Responsibilities Upon a Vacancy or Incapacity in the Office of Mayor .....	22
<b>ARTICLE 3 - ELECTIONS</b> .....	<b>22</b>
3.01 - Election and Commencement of Terms of County Commissioners and Mayor .....	22-23
3.02 - Oath of Office .....	23-24
3.03 - Nonpartisan Elections .....	24
3.04 - Qualifications and Filing Fee .....	24-25
3.05 - Reserved .....	25
3.06 - Additional Regulations and State Laws .....	25
3.07 - Canvassing Elections .....	25
<b>ARTICLE 4 - RESERVED</b> .....	<b>25</b>
<b>ARTICLE 5 - ADMINISTRATIVE ORGANIZATION AND PROCEDURE</b> .....	<b>25</b>
5.01 - Departments .....	25
5.02 - Administrative Procedure .....	25-26
5.03 - Financial Administration .....	26-27
5.04 - Assessment and Collection of Taxes .....	27-28
5.05 - Department of Personnel .....	28-29
5.06 - Department of Law .....	29
5.07 - Department of Planning .....	29-30

# INDEX (CONT.)

	Page
5.08 - Boards .....	30-31
5.09 - Restriction on the Commission Members .....	31
<b>ARTICLE 6 - MUNICIPALITIES.....</b>	<b>31</b>
6.01 - Continuance of Municipalities .....	31-32
6.02 - Municipal Powers .....	32
6.03 - Municipal Charters .....	32
6.04 - Changes in Municipal Boundaries .....	32-33
6.05 - Creation of New Municipalities .....	33-37
6.06 - Contracts with Other Units of Government .....	37
6.07 - Franchise and Utility Taxes .....	37
<b>ARTICLE 7 - PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS.....</b>	<b>37</b>
7.01 - Policy .....	37
7.02 - Restrictions and Exceptions .....	38-40
7.03 - Enforcement and Construction .....	41
7.04 - Jurisdiction .....	41
<b>ARTICLE 8 - INITIATIVE, REFERENDUM, AND RECALL .....</b>	<b>41</b>
8.01 - Initiative and Referendum .....	41-43
8.02 - Recall .....	43-44
<b>ARTICLE 9 - GENERAL PROVISIONS .....</b>	<b>44</b>
9.01 - Abolition of Certain Offices and Transfer of Functions .....	44-45
9.02 - Reserved .....	45
9.03 - Tort Liability .....	45
9.04 - Supremacy Clause .....	45
9.05 - Existing Franchises, Contracts, and Licenses .....	45
9.06 - Effect of the Charter .....	45-46
9.07 - Amendments .....	46
9.08 - Revisions .....	46-47
9.09 - Effective Date .....	47
9.10 - Commission Auditor .....	47
9.11 - Inspector General .....	47
<b>ARTICLE 10 - NAME OF COUNTY .....</b>	<b>48</b>
10.01 - Name of County .....	48
<b>CERTIFICATION OF METROPOLITAN CHARTER BOARD.....</b>	<b>LAST PAGE</b>



# HOME RULE AMENDMENT

## ARTICLE VIII, SECTION 11 FLORIDA CONSTITUTION 1885

**Dade County, home rule charter.** - (1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

- (a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.
- (b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; to levy and collect such taxes as may be authorized by general law and no other taxes, and do everything necessary to carry on a central metropolitan government in Dade County.
- (c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.

- (d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board of County Commissioners of Dade County.
- (e) May provide a method for establishing new municipal corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.
- (f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the Legislature, except the Superintendent of Public Instruction and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.
- (g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the Legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.

- (h) May change the name of Dade County.
- (i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the Governor and Senate relating to the suspension and removal of officers provided for in this Constitution shall not be impaired, but shall extend to all officers provided for in said home rule charter.

(2) Provision shall be made for the protection of the creditors of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

(3) This home rule charter shall be prepared by a Metropolitan Charter Board created by the Legislature and shall be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Until a home rule charter is adopted the Legislature may from time to time create additional Charter Boards to prepare charters to be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Such charter, once adopted by the electors, may be amended only by the electors of Dade County and this charter shall provide a method for submitting future charter revisions and amendments to the electors of Dade County.

(4) The County Commission shall continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the State of Florida shall pay to the Commission all revenues which would have been paid to any municipality in Dade County which may be abolished by or in the method provided by this home rule charter; provided, however, the Commission shall reimburse the comptroller of Florida for the expense incurred, if any, in the keeping of separate records to determine the amounts of money which would have been payable to any such municipality.

(5) Nothing in this section shall limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties in the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida, and the home rule charter provided for herein shall not conflict with any provision of this Constitution nor of any applicable general laws now applying to Dade County and any other one or more counties of the State of Florida

except as expressly authorized in this section nor shall any ordinance enacted in pursuance to said home rule charter conflict with this Constitution or any such applicable general law except as expressly authorized herein, nor shall the charter of any municipality in Dade County conflict with this Constitution or any such applicable general law except as expressly authorized herein, provided however that said charter and said ordinances enacted in pursuance thereof may conflict with, modify or nullify any existing local, special or general law applicable only to Dade County.

(6) Nothing in this section shall be construed to limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had not been adopted and such general laws shall supersede any part or portion of the home rule charter provided for herein in conflict therewith and shall supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the Railroad and Public Utilities Commission or of any other state agency, bureau or commission now or hereafter provided for in this Constitution or by general law and said state agencies, bureaus and commissions shall have the same powers in Dade County as shall be conferred upon them in regard to other counties.

(8) If any section, subsection, sentence, clause or provision of this section is held invalid as violative of the provisions of Section 1, Article XVII of this Constitution the remainder of this section shall not be affected by such invalidity.

(9) It is declared to be the intent of the Legislature and of the electors of the State of Florida to provide by this section home rule for the people of Dade County in local affairs and this section shall be liberally construed to carry out such purpose, and it is further declared to be the intent of the Legislature and of the electors of the State of Florida that the provisions of this Constitution and general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality

in Dade County and any other one or more municipalities of the State of Florida enacted pursuant thereto by the Legislature shall be the supreme law in Dade County, Florida, except as expressly provided herein and this section shall be strictly construed to maintain such supremacy of this Constitution and of the Legislature in the enactment of general laws pursuant to this Constitution.

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

<p style="text-align: center;"><b>ARTICLE VIII, SECTION 6</b> <b>FLORIDA CONSTITUTION 1968</b></p>
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**Section 6. Schedule to Article VIII.-**

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

\* \* \*

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

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

\* \* \*

# MIAMI-DADE COUNTY HOME RULE CHARTER

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## *Preamble*

*We, the people of this County, in order to secure for ourselves the benefits and responsibilities of home rule, to create a metropolitan government to serve our present and future needs, and to endow our municipalities with the rights of self determination in their local affairs, do under God adopt this home rule Charter.*

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# CITIZENS' BILL OF RIGHTS

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(A). This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

1. **Convenient Access.** Every person has the right to transact business with the County and the municipalities with a minimum of personal inconvenience. It shall be the duty of the Mayor and the Commission to provide, within the County's budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the County.

2. **Truth in Government.** No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

3. **Public Records.** All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection and copying, consistent with the requirements of the State of Florida's public records laws, at reasonable times and places convenient to the public.

4. **Minutes and Ordinance Register.** The Clerk of the Commission and of each municipal council shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.

5. **Right to be Heard.** So far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or any municipal council or any County or municipal agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved; provided, nothing herein shall prohibit the Commission or any municipal council from referring a matter to a committee of each of their respective

bodies to conduct a public hearing, unless prohibited by law. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter.

6. **Right to Notice.** Persons entitled to notice of a County or municipal hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

7. **No Unreasonable Postponements.** No matter once having been placed on a formal agenda by the County or any municipality shall be postponed to another day except for good cause shown in the opinion of the County Commission, the municipal council or other governmental entity or agency conducting such meeting, and then only on condition that any person so requesting is mailed adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing.

8. **Right to Public Hearing.** Upon a timely request of any interested party a public hearing shall be held by any County or municipal agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the Law Department of the County or of any municipality, nor to any body whose duties and responsibilities are solely advisory. At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board,

department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

9. **Notice of Actions and Reasons.** Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any County or municipal administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

10. **Mayor's, City Managers' and Attorneys' Reports.** The County Mayor and County Attorney and each City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.

11. **Budgeting.** In addition to any budget required by state statute, the County Mayor shall prepare a budget showing the cost of each program for each budget year. Prior to the County Commission's first public hearing on the proposed budget required by state law, the County Mayor shall make public a budget summary setting forth the proposed cost of each individual program and reflecting all major proposed increases and decreases in funds and personnel for each program, the purposes therefore, the estimated millage cost of each program and the amount of any contingency and carryover funds for each program.

12. **Quarterly Budget Comparisons.** The County Mayor shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

13. **Adequate Audits.** An annual audit of the County and each municipality shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. A summary of the results, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy.

14. **Regional Offices.** Regional offices of the County's administrative services shall be maintained at locations in the County for the convenience of the residents.

15. **Financial Disclosure.** The Commission shall by ordinance make provision for the filing under oath or affirmation by all County and municipal elective officials, candidates for County and municipal elective offices, such employees as may be designated by ordinance, and such other public officials, and outside consultants who receive funds from the County or municipalities, within the County and who may legally be included, of personal financial statements, copies of personal Federal income tax returns, or itemized source of income statements. Provision shall be made for preparing and keeping such reports current from time to time, and for public disclosure. The Commission shall also make provision for the filing annually under oath of a report by fulltime County and municipal employees of all outside employment and amounts received therefrom. The Mayor and any City Manager may require monthly reports from individual employees or groups of employees for good cause.

16. **Representation of Public.** The Commission shall endeavor to provide representation at all proceedings significantly affecting the County and its residents before State and Federal regulatory bodies.

17. **Commission on Ethics and Public Trust.** The County shall, by ordinance, establish an independent Commission on Ethics and Public Trust comprised of five members, not appointed by the County Commission, with the authority to review, interpret, render advisory opinions and enforce the county and municipal code of ethics ordinances, conflict of interest ordinances, lobbyist registration and reporting ordinances, ethical campaign practices ordinances, when enacted, and citizens' bill of rights.

(B). The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of Dade County. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the County. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual

prerogatives, and for individual citizens to grant respect for the dignity of public office.

- (C). **Remedies for Violations.** A citizen may bring a cause of action alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction and if successful, shall be entitled to recover costs as fixed by the Court. The Commission on Ethics and Public Trust may also enforce the provisions of this Article and may impose any penalty authorized by County Code not otherwise prohibited by a collective bargaining agreement, for a violation of this Article. Any penalty imposed by the Commission on Ethics and Public Trust pursuant to this subsection may be enforced in the Miami-Dade County Circuit Court.
- (D). **Construction.** All provisions of this Article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Article shall be declared invalid, it shall not affect the validity of the remaining provisions.

# ARTICLE - 1

## BOARD OF COUNTY COMMISSIONERS

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### SECTION 1.01. POWERS.

A. The Board of County Commissioners shall be the legislative and the governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but shall not be restricted to the powers to:

1. Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking.
2. Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems.
3. License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.

4. Provide central records, training, and communications for fire and police protection; provide traffic control and central crime investigation; provide fire stations, jails, and related facilities; and subject to Section 1.01A(18) provide a uniform system for fire and police protection.
5. Prepare and enforce comprehensive plans for the development of the county; provided, however, any decision to include any additional land within the Urban Development Boundary of the County's Comprehensive Development Master Plan shall require a two-thirds vote of the Board of County Commissioners then in office.
6. Provide hospitals and uniform health and welfare programs.
7. Provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.
8. Establish housing, slum clearance, urban renewal, conservation, flood and beach erosion control, air pollution control, and drainage programs and cooperate with governmental agencies and private enterprises in the development and operation of these programs.
9. Provide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs.
10. Levy and collect taxes and special assessments, borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner, and subject to such limitations, as may be provided by law.
11. By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies within

such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board; provided, however, that: (1) when an existing or proposed special purpose district is located entirely within the boundaries of a municipality, the Board of County Commissioners may, by ordinance, provide that upon assumption by a municipality of any and all liabilities of an existing special purpose district or upon the creation of a proposed special purpose district, the governing body of such municipality be the governing body of the special purpose district rather than the Board of County Commissioners; and (2) the governing board of the Children's Trust shall not be the Board of County Commissioners, but shall have membership as provided in state law for children's service councils serving home rule charter counties. The Children's Trust shall have the authority to fund improvements to children's health, development and safety; promote parental and community responsibility for children; levy an annual ad valorem tax not to exceed one-half (1/2) mill to supplement current county expenditures for children services and require voter renewal in 2008.

*Note: By special election called pursuant to Resolution No. R-534-08, and held on August 26, 2008, the voters renewed the Children's Trust's ability to continue to levy an annual ad valorem tax.*

12. Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
13. Adopt and enforce uniform building and related technical codes and regulations for both the incorporated and unincorporated areas of the county; provide for examinations for contractors and all parties engaged in the building trades and for the issuance of certificates of competency and their revocation after hearing. Such certificates shall be recognized and required for the issuance of a license in all municipalities in

the county. No municipality shall be entitled to require examinations or any additional certificate of competency or impose any other conditions for the issuance of a municipal license except the payment of the customary fee. The municipality may issue building permits and conduct the necessary inspections in accordance with the uniform codes and charge fees therefor.

14. Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water supply, treatment, and service systems, and public transportation systems, provided, however, that:
  - (a) Franchises under this subsection may only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election.
  - (b) The county shall not operate a light, power, or telephone utility to serve any territory in the county which is being supplied with similar service except by a majority vote of those qualified electors voting in an election held not less than six months after the Board has passed an ordinance to that effect by a two-thirds vote of the members of the Board present. Such ordinance shall contain information on cost, method of financing, agency to regulate rates, agency to operate, location, and other information necessary to inform the general public of the feasibility and practicability of the proposed operation.
15. Use public funds for the purposes of promoting the development of the county, including advertising of the area's advantages.
16. Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas and approve municipal regulations on hours of sale of alcoholic beverages.
17. Enter into contracts with other governmental

units within or outside the boundaries of the county for joint performance or performance by one unit in behalf of the other of any authorized function.

18. Set reasonable minimum standards for all governmental units in the county for the performance of any service or function. The standards shall not be discriminatory as between similar areas. If a governmental unit fails to comply with such standards, and does not correct such failure after reasonable notice by the Board, then the Board may take over and perform, regulate, or grant franchises to operate any such service. The Board may also take over and operate, or grant franchises to operate any municipal service if:
  - (a) In an election called by the Board of County Commissioners within the municipality a majority of those voting vote in favor of turning the service over to the county; or
  - (b) The governing body of the municipality requests the county to take over the service by a two-thirds vote of its members, or by referendum.
19. By ordinance, abolish or consolidate the office of constables, or any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, or to abolish or impair the jurisdiction of the Circuit Court or to abolish any other Court, provided by the Constitution or by general law, or the judges or clerks thereof.
20. Make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records.
21. Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.

22. Adopt such ordinances and resolutions as may be required in the exercise of its powers, and prescribe fines and penalties for the violation of ordinances.
23. Perform any other acts consistent with law which are required by this Charter or which are in the common interest of the people of the county.
24. Supersede, nullify, or amend any special law applying to this county, or any general law applying only to this county, or any general law where specifically authorized by the Constitution.

B. No enumeration of powers in this Charter shall be deemed exclusive or restrictive and the foregoing powers shall be deemed to include all implied powers necessary and proper to carrying out such powers. All of these powers may be exercised in the incorporated and unincorporated areas, subject to the procedures herein provided in certain cases relating to municipalities.

C. The Board shall have the power of eminent domain and the right to condemn property for public purposes. The Board shall make fair and just compensation for any properties acquired in the exercise of its powers, duties, or functions. The Board shall also provide for the acquisition or transfer of property, the payment, assumption, or other satisfaction of the debts, and the protection of pension rights of affected employees of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

D. The Board shall be entitled to levy in the unincorporated areas all taxes authorized to be levied by municipalities and to receive from the state any revenues collected in the unincorporated areas on the same basis as municipalities.

#### **SECTION 1.02. RESOLUTIONS AND ORDINANCES.**

A. The Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

B. Every ordinance shall be introduced in writing and shall contain a brief title. The enacting

clause shall be "Be it Ordained by the Board." After passage on first reading, a short summary of the ordinance shall be published in a daily newspaper of general circulation at least once together with a notice of the time when and place where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one week prior to the time advertised for hearing. No ordinance shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent.

C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the Board may pass the ordinance with or without amendment. No provision herein shall prohibit a committee of the commission from conducting such public hearing, as provided by Section 1.08.

D. The Board may adopt in whole or in part any published code by reference as an ordinance in the manner provided by law.

E. The effective date of any ordinance shall be prescribed therein, but the effective date shall not be earlier than ten days after its enactment.

F. To meet a public emergency affecting life, health, property, or public safety the Board by two-thirds vote of the members of the Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Board shall have it published in full within ten days in a daily newspaper of general circulation.

G. Each ordinance and resolution after adoption shall be given a serial number and shall be entered by the clerk in a properly indexed record kept for that purpose.

H. Within two years after adoption of this Charter the Board shall have prepared a general codification of all county ordinances and resolutions having the effect of law. The general codification thus prepared shall be adopted by the Board in a single ordinance. After adoption the Board shall have the codification printed immediately in an appropriate manner together with the Charter and such rules and regulations as the Board may direct. Additions or amendments to the code shall be prepared, adopted, and printed at least every two years.

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

**SECTION 1.03. DISTRICTS.**

A. There shall be thirteen County Commission districts. The current boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.

B. The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

**SECTION 1.04. COMPOSITION  
OF THE COMMISSION.**

The Commission shall consist of thirteen members, each of whom shall be a qualified elector residing within his or her district for at least six months and within the County for at least three years before qualifying and who shall be elected by the qualified electors of his or her district.

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

A. Any member of the Board of County Commissioners who ceases to be a qualified voter of the county or removes himself from the county or the district from which he was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his office. Any Commissioner who ceases to reside in the district which he represents shall also immediately forfeit his office.

B. Any elected or appointed county official who holds any other elective office, whether federal, state or municipal, shall forfeit his county position, provided that the provisions of this subsection shall not apply to any officials presently holding such other office during the remainder of the present terms.

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

shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

**SECTION 1.06. SALARY.**

Each County Commissioner shall receive a salary of \$6,000 per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

**SECTION 1.07. VACANCIES IN THE OFFICE  
OF MAYOR OR COUNTY  
COMMISSIONER.**

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 90 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

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

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

**SECTION 1.08. ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES.**

The Mayor shall not be a member of the Commission. The Commission shall select the chairperson and vice-chairperson of the Commission. The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.

The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission may appoint its members or authorize the Chairperson to appoint committee members. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

## **ARTICLE - 2**

### **MAYOR**

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**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**

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

A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections.

B. A candidate for County Commission or Mayor must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot. No votes cast in favor of any candidate who withdraws, becomes disqualified, or becomes deceased prior to any election shall be counted. The names of unopposed candidates for Mayor and County Commissioners shall not appear on an election ballot and such election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

C. Except as otherwise provided in this Charter, beginning with the elections in 2004, the terms of office of the Mayor and County Commissioners shall commence on the second Tuesday next succeeding the date of the general election in November.

D. Notwithstanding any other provision of this Charter, effective with the term of Mayor scheduled to commence in October, 1996, no person shall be elected as Mayor for more than two consecutive four-year terms. Neither service as Mayor or County Commissioner prior to the terms scheduled to commence in October, 1996, nor service of a partial term subsequent to October, 1996, shall be considered in applying the term limitation provisions of this section.

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

### **SECTION 3.02. OATH OF OFFICE.**

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

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

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

### **SECTION 3.03. NONPARTISAN ELECTIONS.**

All elections for Mayor, Clerk of the Circuit Court and the members of the Board shall be nonpartisan and no ballot shall show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.

### **SECTION 3.04. QUALIFICATIONS AND FILING FEE.**

A. All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk of the Circuit Court no earlier than the 84th day and no later than noon on the 70th day prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

B. Notwithstanding the foregoing, a person who seeks to qualify as a candidate for the office of Mayor or County Commissioner and who meets the petition requirements of this section is not required to pay the filing fee required by this section or any other qualifying fee required by the state (collectively the “Qualifying Fee”). A candidate who seeks to qualify without paying the Qualifying Fee must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Supervisor of Elections for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to state law. The format of the petition shall be prescribed by the Supervisor of Elections and shall be used by candidates to reproduce petitions for circulation. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the Supervisor of Elections. The Supervisor shall check the signatures on the petitions to verify their status as voters in the geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the Supervisor of Elections shall certify the number of valid signatures. The Supervisor of Elections shall determine whether the required number of signatures has been obtained and shall notify the candidate. If the required

number of signatures has been obtained, the candidate shall be eligible to qualify pursuant to this section without paying the Qualifying Fee.

**SECTION 3.05. RESERVED.**

**SECTION 3.06. ADDITIONAL REGULATIONS AND STATE LAWS.**

A. The Board may adopt by ordinance any additional regulations governing elections not inconsistent with this Charter.

B. Except as otherwise provided by this Charter or by ordinance adopted hereunder the provisions of the election laws of this state shall apply to elections held under this Charter.

**SECTION 3.07. CANVASSING ELECTIONS.**

All elections under this Charter shall be canvassed by the County Canvassing Board as provided under the election laws of this state.

## **ARTICLE - 4**

### **RESERVED**

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## **ARTICLE - 5**

### **ADMINISTRATIVE ORGANIZATION AND PROCEDURE**

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**SECTION 5.01. DEPARTMENTS.**

There shall be departments of finance, personnel, planning, law, and such other departments as may be established by administrative order of the Mayor. All administrative functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Mayor.

**SECTION 5.02. ADMINISTRATIVE PROCEDURE.**

The Mayor shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of administrative departments shall be set forth in regulations, which the

Mayor shall develop, place into effect by administrative orders, and submit to the Board.

### SECTION 5.03. FINANCIAL ADMINISTRATION.

A. The department of finance shall be headed by a finance director appointed by the Mayor and the Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the county

B. Between June 1 and July 15, the County Mayor should prepare a proposed budget containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Mayor, shall be presented by the Mayor or his or her designee to the Commission on or before the Board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget on or before the dates required by law.

C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. Notwithstanding any other provision of the Charter to the contrary, in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson

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

E. Any county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Willful violation of this Section shall constitute malfeasance in office, shall effect forfeiture of office or position, and render the transaction voidable by the Board.

F. Such officers and employees of the county as the Board may designate shall give bond in the amount and with the surety prescribed by the Board. The bond premiums shall be paid by the county.

G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of the accounts and finances of the county for the fiscal year just completed.

H. The Budget Commission created by Chapter 21874, Laws of Florida, 1943, is hereby abolished, and Chapter 21874 shall no longer be of any effect.

#### **SECTION 5.04. ASSESSMENT AND COLLECTION OF TAXES.**

A. Commencing with the general election to be held in November 2008 and every four years thereafter, the Miami-Dade County Property Appraiser shall be elected on a nonpartisan basis, by a majority of the qualified electors voting at a county-wide election held within Miami-Dade County, Florida.

B. Beginning with the tax year 1961, the county tax rolls prepared by the county shall be the only legal tax rolls in this county for the assessment and collection of county and municipal taxes. Thereafter no municipality shall have an assessor or prepare an ad valorem tax roll. Each municipality shall continue to have the right to adopt its own budget, fix its own millage, and levy its own taxes. Each municipality shall certify its levies to the County not later than 30 days after the county tax rolls have been finally approved by the Board. Any municipality may obtain a copy of this tax roll upon payment of the cost of preparing such a copy, and copies of the tax rolls shall be available for public inspection at reasonable times. Maps showing the assessed valuation of each parcel of property may

be prepared and made available for sale to the public at a reasonable price.

C. All county and municipal taxes for the tax year beginning January 1, 1961, and all subsequent tax years, shall be collected by the county on one bill prepared and sent out by the county. The amounts of county and municipal taxes shall be shown as separate items, and maybe paid separately.

D. Delinquent municipal taxes shall be collected in the same manner as delinquent county taxes.

E. All the tax revenues collected for any municipality shall be returned monthly by the county to the municipality.

#### **SECTION 5.05. DEPARTMENT OF PERSONNEL.**

A. The Board of County Commissioners shall establish and maintain personnel and civil service, retirement, and group insurance programs. The personnel system of the county shall be based on merit principles in order to foster effective career service in county employment and to employ those persons best qualified for county services which they are to perform.

B. The Mayor shall appoint a personnel director who shall head the department of personnel and whose duty it shall be to administer the personnel and civil service programs and the rules governing them. The standards of such programs shall not be less than those prevailing at the time of the effective date of this Charter.

C. Except as provided herein, Chapter 30255, General Laws, 1955, as it exists on the effective date of this Charter, shall remain in effect until amended or changed by ordinance of the Board of County Commissioners adopted by two-thirds vote of the members present after recommendation from either the Personnel Advisory Board or the County Mayor.

D. Employees of municipalities who, by merger, transfer, or assignment of governmental units or functions become county employees, shall not lose the civil service rights or privileges which have accrued to them during their period of employment with such municipality, and the county shall use its best efforts to employ these employees within the limits of their capabilities. However, if because of the merger of a department or division of a municipality with the county, all of the employees of such department or division are unable to be employed by the county either because of lack of funds or lack of work, the employee possessing the greater amount of service shall be retained in accordance with civil service rules and

regulations. Those employees who are not retained shall be placed on a priority list for employment by the county subject to seniority. Any non-retained employee shall have the option, if a vacancy occurs or exists in another department, and if he is qualified to render the service required, to either accept such employment or remain on the priority list until such time as employment shall be available for him in his own or similar classification.

E. The pension plan presently provided by the state for county employees shall not be impaired by the Board. Employees of municipalities, who by merger, transfer, or assignment of governmental units or functions become county employees shall not lose their pension rights, or any reserves accrued to their benefit during their period of employment with such municipality. The Board of County Commissioners shall provide a method by which these employees' rights and reserves shall be protected, and these employees shall continue until retirement, dismissal, or death in a pension status no less beneficial than the status held by them at the time of merger or assignment.

F. The Board of County Commissioners shall provide and place into effect a practical group insurance plan for all county employees.

#### **SECTION 5.06. DEPARTMENT OF LAW.**

There shall be a County Attorney appointed by the Board of County Commissioners, subject to veto by the Mayor unless overridden by a two-thirds majority of those Commissioners then in office who shall serve at the will of the Board and who shall head the department of law. He shall devote his full time to the service of the county and shall serve as legal counsel to the Board, Mayor, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him. He may appoint such assistants as may be necessary in order that his duties may be performed properly. The Board may employ special counsel for specific needs.

#### **SECTION 5.07. DEPARTMENT OF PLANNING.**

The department of planning shall be headed by a planning director appointed by the Mayor. The planning director shall be qualified in the field of planning by special training and experience. Under the supervision of the Mayor and with the advice of the Planning Advisory Board elsewhere provided for in this Charter, the planning director shall among other things:

1. Conduct studies of county population, land use, facilities, resources, and needs and

other factors which influence the county's development, and on the basis of such studies prepare such official and other maps and reports as, taken together, constitute a master plan for the welfare, recreational, economic, and physical development of the county.

2. Prepare for review by the Planning Advisory Board, and for adoption by the Board of County Commissioners, zoning, subdivision and related regulations for the unincorporated areas of the county and minimum standards governing zoning, subdivision, and related regulations for the municipalities; and prepare recommendations to effectuate the master plan and to coordinate the county's proposed capital improvements with the master plan.
3. Review the municipal systems of planning, zoning, subdivision, and related regulations and make recommendations thereon with a view of coordinating such municipal systems with one another and with those of the county.

#### SECTION 5.08. **BOARDS.**

A. The Board of County Commissioners shall by ordinance create a Planning Advisory Board, a Zoning Appeals Board, and such other boards as it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory or quasi-judicial duties of members of such boards, who shall serve without compensation but who may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the Board of County Commissioners.

B. The Board of County Commissioners may by ordinance provide for the expansion of the City of Miami Water and Sewer Board to an agency county-wide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Dade County, which agency shall be known as the Miami-Dade Water and Sewer Authority. The Miami-Dade Water and Sewer Authority shall have the responsibility to develop and operate a countywide water and sewer system for the purpose of providing potable water, sewage collection and disposal and water pollution abatement to the citizens of Dade County.

C. Dade County shall retain all its powers, including but not limited to that of eminent domain, in relation to the creation of a county-wide water and sewer system.

**SECTION 5.09. RESTRICTION ON THE COMMISSION MEMBERS.**

A. No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request.

B. Except where otherwise prohibited by Ordinance, Commissioners shall be permitted to communicate and make inquiries of the administrative services for the purpose of transmitting constituent inquiries or assisting Commissioners in the exercise of their powers as set forth in Section 1.01A. Except as provided elsewhere in this Charter, Commissioners shall not be permitted to give orders, either publicly or privately, to any subordinate of the Mayor.

No County employee or official, other than the County Mayor or his or her designee, shall respond to or undertake any action to comply with any request by any Commissioner which violates the provisions of the preceding paragraph. The County Mayor shall not knowingly allow any Commissioner to deal with the administrative services in violation of the provisions of this section.

## **ARTICLE - 6**

### **MUNICIPALITIES**

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**SECTION 6.01. CONTINUANCE OF MUNICIPALITIES.**

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality. The right of self determination in local affairs is reserved

and pre-reserved to the municipalities except as otherwise provided in this Charter.

#### **SECTION 6.02. MUNICIPAL POWERS.**

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

#### **SECTION 6.03. MUNICIPAL CHARTERS.**

A. Except as provided in Section 6.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

#### **SECTION 6.04. CHANGES IN MUNICIPAL BOUNDARIES.**

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, with an

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

C. No municipal boundary shall be altered except as provided by this Section.

#### **SECTION 6.05. CREATION OF NEW MUNICIPALITIES.**

A. The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 6.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter can only be changed if approved by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors.

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

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

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

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

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

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

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

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

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

**SECTION 6.06. CONTRACTS WITH OTHER UNITS OF GOVERNMENT.**

Every municipality in this county shall have the power to enter into contracts with other governmental units within or outside the boundaries of the municipality or the county for the joint performance or performance by one unit in behalf of the other of any municipal function.

**SECTION 6.07. FRANCHISE AND UTILITY TAXES.**

Revenues realized from franchise and utility taxes imposed by municipalities shall belong to municipalities.

## **ARTICLE - 7**

### **PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS**

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*Note: This Article does not apply to municipal property in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami. See Section 7.04.*

**SECTION 7.01. POLICY.**

Parks, aquatic preserves, and lands acquired by the County for preservation shall be held in trust for the education, pleasure, and recreation of the public and they shall be used and maintained in a manner which will leave them unimpaired for the enjoyment of future generations as a part of the public's irreplaceable heritage. They shall be protected from commercial development and exploitation and their natural landscape, flora and fauna, and scenic beauties shall be preserved. In lands acquired by the County for preservation and in parks along the Ocean or the Bay the public's access to and view of the water shall not be obstructed or impaired by buildings or other structures or concessions which are in excess of 1500 square feet each. Adequate maintenance shall be provided.

## SECTION 7.02. RESTRICTIONS AND EXCEPTIONS.

In furtherance of this policy parks shall be used for public park purposes only, and subject to the limited exceptions set forth in this Article, there shall be no permanent structures or private commercial advertising erected in a public park or private commercial use of a public park or renewals, expansions, or extensions of existing leases, licenses, or concessions to private parties of public park property, unless each such structure, lease, license, renewal, expansion, extension, concession or use shall be approved by a majority vote of the voters in a County-wide referendum. Nothing in this Article shall prevent any contract with federally tax-exempt not-for-profit youth, adult, and senior cultural, conservation and parks and recreation program providers. To ensure aquatic preserves, lands acquired by the County for preservation, and public parks or parts thereof which are nature preserves, beaches, natural forest areas, historic or archeological areas, or otherwise possess unique natural values in their present state, such as Matheson Hammock, Greynolds Park, Redlands Fruit and Spice Park, Castellow Hammock, Crandon Park, Trail Glades Park, Deering Estate Park, Pine Shore Park, Old Cutler Hammock, Chapman Field, Tamiami Pinelands, Wainright Park, Larry and Penny Thompson Park, Whispering Pines Hammock, Mangrove Preserve, Owaissa Bauer Park, Fuchs Hammock, Black Point Marina, Simpson Park, Sewell Park, Barnes Park, Virginia Key, mangrove preserves, and all other natural or historical resource based parks do not lose their natural or historical values, any structure, lease, license, renewal, extension, concession or use in any of this class of public parks or in aquatic preserves and preservation lands must be approved by an affirmative vote of two-thirds of the voters in a County-wide referendum. No park shall be designed to be used beyond its appropriate carrying capacity and to the extent required by law all parks and facilities and permitted special events and concessions operating in the parks shall be fully accessible to persons with disabilities. Nothing in this Article shall prevent the maintenance of existing facilities, the maintenance, operation, and renovation of existing golf course and marina restaurants at their existing square footage by government agencies or private operators, provided such private operators are chosen as a result of competitive selection and their initial contract terms are limited to no more than ten years, or the construction, operation, maintenance, and repair by government agencies or private operators of or issuance of temporary permits for the following, provided that there be no adverse impact to natural resources on lands acquired or designated for preservation by the Board of County Commissioners:

A. Appropriate access roads, bridges, fences, lighting, flag poles, entrance features, picnic shelters, tables, grills, benches, irrigation systems, walls, erosion control devices, utilities, trash removal, parking and security and fire facilities for the primary use of the park system;

B. Food and concession facilities each not in excess of 1500 square feet of enclosed space, with any complementary outdoor or covered areas needed to service park patrons;

C. User-participation non-spectator recreation and, playground facilities, golf courses and golf-course related facilities, and bandstands and band shells containing less than 1,000 spectator seats and athletic facilities, sports fields and arenas containing less than 3,000 spectator seats;

D. Facilities for marinas, sightseeing and fishing boats, visiting military vessels, and fishing;

E. Park signage and appropriate plaques and monuments;

F. Rest rooms;

G. Fountains, gardens, and works of art;

H. Park service facilities, senior, day care and preschool facilities, small nature centers with not more than one classroom;

I. Film permits, temporary fairs, art exhibits, performing arts, concerts, cultural and historic exhibitions, regattas, athletic contests and tournaments, none of which require the erection of permanent structures;

J. Advertising in connection with sponsorship of events or facilities in the park, provided however all such facilities and uses are compatible with the particular park and are scheduled so that such events do not unreasonably impair the public use of the park or damage the park;

K. Programming partnerships with qualified federally tax exempt not-for-profit youth, adult, and senior cultural, conservation, and parks and recreation program providers;

L. Agreements with cable, internet, telephone, electric or similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities and uses;

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

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

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

No park facilities, golf courses, or County lands acquired for preservation shall be converted to or used for non-park offices, purposes, or uses. The County, the municipalities, and agencies or groups receiving any public funding shall not expend any public money or provide any publicly funded services in kind to any project which does not comply with this Article. No building permit or certificate of occupancy shall be issued for any structure in violation of this Article. The restrictions applying to parks in this Article shall not apply to the Dade County Youth Fair site at Tamiami Park and to any expansion of Florida International University onto no more than 64 acres therein upon the relocation of the Miami-Dade County Fair & Exposition, Inc. No County funds shall be used for the University's expansion and for the required relocation of the Miami-Dade County Fair & Exposition, Inc. The restrictions applying to parks in this Article shall also not apply to Metro Zoo, Tamiami Stadium, Haulover Fishing Pier, the Dade County Auditorium, the Museum of Science, the Gold Coast Railroad Museum, Vizcaya Museum and Gardens, Trail Glade Range, the Orange Bowl, the Commodore Ralph Munroe Marine Stadium, the Seaquarium, Curtis Park track and stadium, Fairchild Tropical Gardens, the Miami-Dade County Regional Soccer Park on NW 58th Street, and mini and neighborhood parks except that no mini or neighborhood park may be leased or disposed of unless a majority of the residents residing in voting precincts any part of which is within 1 mile of the park authorize such sale or lease by majority vote in an election.

#### **SECTION 7.03. ENFORCEMENT AND CONSTRUCTION.**

All elections required by this Article shall be held either in conjunction with state primary or general elections or as part of bond issue elections. The provisions of this Article may be enforced by a citizen alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the Court. The provisions of this Article shall be liberally construed in favor of the preservation of all park lands, aquatic preserves, and preservation lands. If any provision of this Article

shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

**SECTION 7.04. JURISDICTION.**

Except as otherwise provided herein the provisions of this Article shall apply to all County and municipal parks, aquatic preserves, and lands acquired by the County for preservation now in existence or hereafter acquired, provided that if this Article was not favorably voted upon by a majority of the voters voting in any municipality at the time of the adoption of this Article the municipal parks of such municipality shall be excluded from the provisions of this Article.

# **ARTICLE - 8**

## **INITIATIVE, REFERENDUM, AND RECALL**

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**SECTION 8.01. INITIATIVE AND REFERENDUM.**

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

1. The person proposing the exercise of this power shall submit the proposal, including proposed ballot language to the Clerk of the Circuit Court who shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire. A public hearing shall be held on the proposal at the next Board of County Commissioners meeting subsequent to the date the Clerk approves the petition as to form to hear testimony from the public and for the Board of County Commissioners to determine the legal sufficiency of the petition upon the advice of the County Attorney.
2. The person or persons circulating the petition shall, within 120 days of the approval of the form of the petition, obtain the valid signatures of voters in the county in numbers at least equal to four percent

of the registered voters in the county on the day on which the petition is approved, according to the official records of the County Supervisor of Elections. In determining the sufficiency of the petition, no more than 25 percent of the valid signatures required shall come from voters registered in any single county commission district. Each signer of a petition shall place thereon, after his name, the date, and his place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition. The person or persons circulating the petition shall not pay or offer to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition. Any signed petitions collected by a circulator paid on a basis related to the number of signatures obtained shall be invalid.

3. The signed petition shall be filed with the Board which shall within 30 days order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this Section, the Board shall notify the person filing the petition that the petition is insufficient and has failed.
4. The Board may within 30 days after the date a sufficient petition is presented adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition. If the Board does not adopt or repeal the ordinance as provided above, then the proposal shall be placed on the ballot without further action of the Board.
5. If the proposal is submitted to the electors, the election shall be held either:
  - (a) In the next scheduled county-wide election, or
  - (b) If the petition contains the valid signatures in the county in numbers at least equal to eight percent of the registered voters in

the county, the election shall take place on the first Tuesday after 120 days from certification of the petition. The result shall be determined by a majority vote of the electors voting on the proposal.

6. An ordinance proposed by initiatory petition or the repeal of an ordinance by referendary petition shall be effective on the day after the election, except that:
  - (a) Any reduction or elimination of existing revenue or any increase in expenditures not provided for by the current budget or by existing bond issues shall not take effect until the beginning of the next succeeding fiscal year; and
  - (b) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Board and the repeal of the ordinance by the voters, shall not be enforced against the county; and
  - (c) Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest number of votes shall prevail as to those provisions.
7. An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of one year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

#### SECTION 8.02. RECALL.

Any member of the Board of County Commissioners, the Mayor, or the Property Appraiser may be removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition.
2. The person or persons circulating the petition must obtain signatures of electors of the county, district, or municipality concerned in numbers at least equal to four percent of the registered voters in the county district or municipality on the day on which the petition is approved, according to the official records of the County Supervisor of Elections.

3. The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.
4. The Board of County Commissioners must provide for a recall election not less than 45 nor more than 90 days after the certification of the petition.
5. The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.
6. If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall he shall, regardless of any defect in the recall petition, be deemed removed from office immediately.
7. No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.

## **ARTICLE - 9**

### **GENERAL PROVISIONS**

---

#### **SECTION 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.**

A. On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the Mayor, who shall assume all the duties and functions of these offices required under the Constitution and general laws of this state: County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration. The Mayor may delegate to a suitable person or persons the powers and functions of such offices.

B. In the event that other elective officers are abolished by the Board, the Board shall provide that any person duly elected to such office shall if he so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he was elected, and shall provide for the continuation of all duties and functions of these offices required under the Constitution and general laws.

C. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required under the Constitution and general laws of this state. The Mayor may delegate to a suitable person or persons the powers and functions of such office.

**SECTION 9.02. RESERVED.**

**SECTION 9.03. TORT LIABILITY.**

The county shall be liable in actions of tort to the same extent that municipalities in the State of Florida are liable in actions in tort. However, no suit shall be maintained against the county for damages to persons or property or for wrongful death arising out of any tort unless written notice of claim shall first have been given to the county in the manner and within the time provided by ordinance, except that the time fixed by ordinance for notice shall be not less than 30 days nor more than 120 days.

*Note: Waiver of County's tort immunity held unconstitutional in Kaulakis v. Boyd, Fla. 1962, 138 So.2d 505.*

**SECTION 9.04. SUPREMACY CLAUSE.**

A. This Charter and the ordinances adopted hereunder shall in cases of conflict supersede all municipal charters and ordinances, except as herein provided, and where authorized by the Constitution, shall in cases of conflict supersede all special and general laws of the state.

B. All other special and general laws and county ordinances and rules and regulations not inconsistent with this Charter shall continue in effect until they are superseded by ordinance adopted by the Board pursuant to this Charter and the Constitution.

**SECTION 9.05. EXISTING FRANCHISES,  
CONTRACTS, AND LICENSES.**

All lawful franchises, contracts, and licenses in force on the effective date of this Charter shall continue in effect until terminated or modified in accordance with their terms or in the manner provided by law or this Charter.

**SECTION 9.06. EFFECT OF THE CHARTER.**

A. This Charter shall be liberally construed in aid of its declared purpose, which is to establish effective home rule government in this county responsive to the people.

If any Article, Section, subsection, sentence, clause, or provision of this Charter or the application thereof shall be held invalid for any reason, the remainder of the Charter and of any ordinances or regulations made thereunder shall remain in full force and effect.

B. Nothing in this Charter shall be construed to limit or restrict the power and jurisdiction of the Florida Railroad and Public Utilities Commission.

#### **SECTION 9.07. AMENDMENTS.**

A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted. An initiative petition to amend this Charter shall be submitted, together with proposed ballot language, to the Clerk of the Circuit Court, who shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.

B. Amendments to this Charter may be proposed by initiatory petitions of electors. The Board of County Commissioners shall call a countywide election to be held in conjunction with the next scheduled general election after the date that a certified petition is presented to the County Commission.

C. Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held in conjunction with the next scheduled general election after the Board adopts a resolution proposing any amendment.

D. The result of all elections on charter amendments shall be determined by a majority of the electors voting on the proposed amendment.

#### **SECTION 9.08. REVISIONS.**

At least once in every 5 year period the Board shall review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter. The proposed revision shall then be presented to the Board for review, modification and approval. If the Board approves such proposed revision, either with or without modification, it shall present such proposed revision to the electorate in accordance with the provisions of Section 9.07 (C) and (D).

Simultaneous elections may be held on a proposed revision and on individual amendments that are proposed.

**SECTION 9.09. EFFECTIVE DATE.**

This Charter shall become effective 60 days after it is ratified by a majority of the qualified electors of the county voting on the Charter.

**SECTION 9.10. COMMISSION AUDITOR.**

There is hereby created and established the Office of the Commission Auditor. The Commission Auditor, who shall be a certified public accountant, will be selected by the County Commission and shall report directly to the County Commission. The County Commission shall provide by ordinance for the specific functions and responsibilities of the Commission Auditor, which shall include but not be limited to providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.

**SECTION 9.11. INSPECTOR GENERAL.**

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

# ARTICLE - 10

## NAME OF COUNTY

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### SECTION 10.01. NAME OF COUNTY.

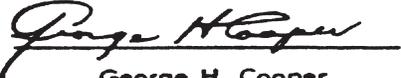
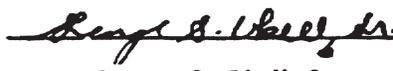
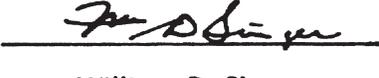
A. The name of Dade County shall officially be changed to Miami-Dade County and all references to Dade County in the Florida Constitution, Florida Statutes, Code of Metropolitan Dade County, federal law, case law and other legal documents, shall be deemed to be references to Miami-Dade County.

B. The Commission shall by ordinance provide a method to implement the official name change.

*Note: Miami-Dade County Ordinance 97-212. This ordinance is codified in Section 1-4.2 in the Code of Ordinances and is recorded in the Official Records of Miami-Dade County, Florida at Book 17968, Page 0498.*

**SIGNERS OF METROPOLITAN  
CHARTER  
BOOK 182 PAGE 691**

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

 Charles H. Crandon	 William L. Pallot
 Maxine E. Baker	 Franklin Parson
 George H. Cooper	 Kurt Peiser
 William Grogan	 W. Keith Phillips
 Malvina W. Liebman	 J. D. Ryan
 George S. Okell, Sr.	 William D. Singer
 Max Oravitz	 H. Franklin Williams
 Joseph J. Orr	 Mitchell Wolfson
 S. D. Phillips, Jr.	

April 15, 1957

ORIGINAL CERTIFICATION OF CHARTER BOARD

April 15, 1957



## Memorandum



**Date:** February 28, 2018

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

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

**Subject:** Charter Review Task Force – Final Report

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

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

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

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

# **Miami-Dade County Charter Review Task Force**

## **Final Recommendations Report**

February 26, 2018

[www.miamidade.gov/charter](http://www.miamidade.gov/charter)

# Table of Contents

<u>Section</u>	<u>Page Number</u>
<b>Contents</b>	
EXECUTIVE SUMMARY	5
INTRODUCTION AND BACKGROUND	7
PUBLIC INPUT PROCESS	10
<b>Charter Website/E-mail</b>	10
<b>Broadcast/Social Media</b>	10
<b>Input from Community (at each meeting)</b>	11
<b>Regional Public Meetings</b>	12
<b>Media Outreach</b>	13
<b>Meeting Notices</b>	13
ISSUES FOR STUDY	14
RESEARCH	16
TASK FORCE RECOMMENDATIONS	17
<b>Recommendation No. 1A &amp; 1B – Commission and Mayoral Compensation</b>	17
<b>Recommendation No. 2 – Nonpartisan Elections</b>	19
<b>Recommendation No. 3 – Elimination of Term Limits</b>	20
<b>Recommendation No. 4 – Commission Office of Budget and Management</b>	21
<b>Recommendation No. 5 – Forfeiture of Office of County Elected and Appointed Officials and Employees</b>	22
<b>Recommendation No. 6 – Compensation for Number of Signatures Obtained for Circulating a Petition</b>	23

<b>Recommendation No. 7 – Approval of Legal Sufficiency of Petitions</b>	<b>24</b>
<b>Recommendation No. 8 – Runoff Elections</b>	<b>25</b>
<b>FAILED RECOMMENDATIONS</b>	<b>27</b>
<b>NO RECOMMENDATIONS PROFFERED</b>	<b>30</b>
<b>CONCLUSION</b>	<b>32</b>
<b>APPENDIX</b>	<b>33</b>

**Appendix A:** Charter Review Task Force Members and Staff

**Appendix B:** Promotional Materials for Public Meetings

**Appendix C:** Social Media Posts

**Appendix D:** Salaries of Elected County Constitutional Officers

**Appendix E:** Comparison of County Commissions (form of government, salaries, structure)

**Appendix F:** Prior Election Results Regarding Salary Amendments

**Appendix G:** Charter Amendment Relating to Independent Salary Commission

**Appendix H:** Article XLVII – Creating the Office of the Commission Auditor

**Appendix I:** Table of Organization – Office of the Commission Auditor

**Appendix J:** Summary of Charter Powers

**Appendix K:** Ballot Results for May 29, 1962 Election Relating to Forfeiture of Office

**Appendix L:** Citizen Led Initiative and Referendum Procedures in Select Florida Counties

**Appendix M:** ICMA County Form of Government Survey Results

**Appendix N:** National Civic League – Model County Charter

**Appendix O:** Powers and Responsibilities of County Commission and County Mayor

**Appendix P:** Summary of Budget and Procurement Responsibilities in Select Municipalities

**Appendix Q:** Urban Development Boundary Presentation

**Appendix R:** Procurement Reform Advisory Board Report

**Appendix S:** Procurement Presentation

**Appendix T:** Finance Department Presentation

**Appendix U:** Budget Process Presentation

## Executive Summary

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

### Recommended Charter Amendments

#### **Recommendation No. 1A: Commission Compensation**

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

#### **Recommendation No. 1B: Commission and Mayor Compensation**

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

#### **Recommendation No. 2: Nonpartisan Elections**

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

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

**Repeal term limits** for County Commissioners.

#### **Recommendation No. 4: Commission Office of Budget and Management**

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

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

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

#### **Recommendation No. 6: Initiative and Referendum**

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

**Recommendation No. 7: Initiative and Referendum**

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

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

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

# Introduction and Background

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

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

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

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

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

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

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

The Task Force successfully completed each of these tasks.

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

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

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

### Attendance Record

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

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

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

<sup>1</sup> George Burgess resigned and was replaced by Anna-Bo Emmanuel

<sup>2</sup> Maurice Ferre resigned

<sup>3</sup> Luis E. Gonzalez resigned and was replaced by Paul Hernandez

<sup>4</sup> Eric Zichella was replaced by Forrest Andrews per the request of the Dade Delegation Chairman

## **Public Input Process**

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

## **Charter Website/E-mail**

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

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

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

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

## **Broadcast/Social Media**

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

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

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

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

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

## **Input from Community (at each meeting)**

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

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

## **Regional Public Meetings**

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

### **First Public Meeting**

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

### **Second Public Meeting**

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

### **Third Public Meeting**

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

### **Fourth Public Meeting (Virtual)**

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

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

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

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

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

## **Media Outreach**

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

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

## **Meeting Notices**

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

# Issues for Study

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

The Task Force proposed the following areas of study:

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

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

## **August 14**

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

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

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

### **September 25**

- Office of the Commission Auditor
  - Function

### **October 16**

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

### **October 16, October 30**

- Provisions for handling elections during emergencies

### **October 30**

- Urban Development Boundary

### **November 13, November 28, December 11**

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

### **November 13**

- Forfeiture of office

### **November 28**

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

### **November 28, December 4**

- Parks, aquatic preserves and preservation lands

### **December 4**

- Vehicles for hire operating in the County

### **December 11**

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

### **February 12**

- Process for establishing County Mayor's annual compensation

## Research

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

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

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

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

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

# Task Force Recommendations

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

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

### Research Conducted

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

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

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

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

### Background

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

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

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

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

### **Recommendation 1A**

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

*Motion passed (6-2)*

### **Amendment Language**

SECTION 1.06. – SALARY.

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

### **Recommendation 1B**

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

*Motion passed (6-2)*

## **Amendment Language**

SECTION 1.06. - SALARY.

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

## **Issue No. 2 – Nonpartisan Elections**

### **Background**

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

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

### **Recommendation**

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

*Motion passed (unanimous)*

## **Amendment Language**

SECTION 3.03. NONPARTISAN ELECTIONS.

All elections for Mayor, Clerk of Courts and the other members of the Board shall be nonpartisan and no ballot shall show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.

## **Issue No. 3 – Elimination of Term Limits**

### **Background**

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

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

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

### **Recommendation**

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

*Motion passed (6-2)*

### **Amendment Language**

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

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

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

## **Issue No. 4 – Commission Office of Budget and Management**

### **Research Conducted**

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

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

### **Background**

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

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

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

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

*Motion passed (6-2)*

## **Amendment Language**

### **SECTION 9.10. COMMISSION AUDITOR OFFICE OF BUDGET AND RESEARCH.**

There is hereby created and established the Office of the Commission ~~Auditor~~ office of budget and research (OBR). The Commission ~~Auditor~~ OBR Director, ~~who shall be a certified public accountant, will be~~ selected by the County Commission and shall report directly to the County Commission. The County Commission shall provide by ordinance for the specific functions and responsibilities of the Commission ~~Auditor~~ OBR, which shall include but not be limited to providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.

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

### **Research Conducted**

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

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

### **Background**

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

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

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

### **Recommendation**

Any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser shall immediately take a leave of absence from his or her County position until the date of the election and shall, if elected, immediately forfeit his or her County position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

*Motion passed (6-4)*

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

### **Amendment Language**

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

Any appointed official or employee of >>Miami<<Dade County who qualifies as a candidate for election to >>the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser<< [~~any federal, state or municipal office~~] shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

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

### **Research Conducted**

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

## **Background**

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

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

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

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

## **Recommendation**

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

*Motion passed (7-1)*

## **Amendment Language**

SECTION 8.01 – INITIATIVE AND REFERENDUM

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

## **Issue No. 7 – Approval of Legal Sufficiency of Petitions**

### **Background**

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

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

## **Recommendation**

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

*Motion passed (5-3)*

## **Amendment Language**

SECTION 8.01 INITIATIVE AND REFERENDUM

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

## **Issue No. 8 – Runoff Elections**

### **Background**

The Miami-Dade County Home Rule Charter states that “if no candidate [for County Commissioner] receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes.” However, the Charter is silent as to whether a runoff election is required where a candidate for Mayor or County Commissioner becomes unopposed due to withdrawal, disqualification, or death following a general election but prior to the runoff election.

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

## **Recommendation**

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

*Motion passed (unanimous)*

## **Amendment Language**

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

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

## **Failed Recommendations**

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

### **Commissioner Compensation**

#### **Proposal**

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

*Failed for lack of motion*

#### **Recommendation**

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

*Motion failed (4-4)*

### **Organization of Commission and Commission Committees**

#### **Proposal**

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

*Motion failed (3-5)*

## **Election and Commencement of Terms for County Commissioners**

### **Proposal**

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

*Failed for lack of motion*

## **Creation of an Independent Department of Procurement**

### **Proposal**

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

*Failed for lack of motion*

## **Municipal Powers**

### **Proposal**

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens. The municipal

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

*Failed for lack of motion*

## **County Utilities**

### **Proposal**

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

*Motion failed (4-4)*

## **Vehicles for Hire**

### **Proposal**

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

*Motion failed (3-5)*

## **No Proposals Proffered**

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

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

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

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

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

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

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

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

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

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

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

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

## Conclusion

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

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

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

## 2018 General Election

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

## 2020 General Election

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

## 2022 General Election

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

**Commission Chambers Availability**

**July – December 2025**

**July**

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

**August (Closed for Renovations)**

**September**

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

**October**

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

**November**

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

**Commission Chambers Availability**

Page 2 of 2

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

**December**

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

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

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

- 13 PC 9:00 AM/ CANCELLED - IITC 11:00 RESCH. TO 1:00 PM
- 13 RTC 2:00 PM
- 14 TC 9:00 AM - SHC 11:00 AM - HC 2:00 PM
- 15 AC 9:00 AM - APC 11:00 AM - PRC 2:00 PM
- 22 REGULAR 9:30 AM
- 23 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
- 28 CDMP/ZONING 9:30 AM/ RESCH. TO 03/30/2024
- 28 COMMITTEE OF THE WHOLE 9:30 AM
- 30 CDMP/ZONING 9:30 AM
- 30 TMC 10:30 AM- PFC 11:30 AM (TENTATIVE)
- 30 TPO 2:00PM

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 REGULAR 9:30 AM
- REGULAR
- CMT/ SUNCHUTE (SEE REVERSE SIDE)
- ZONING & CDMP
- TPO & TPO CMT/ (SEE REVERSE SIDE)
- RECESS / SPRING AND SUMMER BREAK
- SUNSHINE MTGS (SEE REVERSE SIDE)
- HOLIDAYS OBSERVED (SEE REVERSE SIDE)

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

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

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

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

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

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

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

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

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

## COMMISSION COMMITTEES

AIRPORT COMMITTEE (AC)	TRANSPORTATION PLANNING ORGANIZATION GOVERNING BOARD (TPO)
APPROPRIATIONS COMMITTEE (APC)	TRANSPORTATION AND MOBILITY CMTE. (TMC)
HOUSING COMMITTEE (HC)	FISCAL PRIORITIES CMTE. (FPC)
INFRASTRUCTURE, INNOVATION, AND TECHNOLOGY COMMITTEE (ITC)	
PORT AND RESILIENCY COMMITTEE (RTC)	
RECREATION AND TOURISM COMMITTEE (RTC)	
SAFETY AND HEALTH COMMITTEE (SHC)	
TRANSPORTATION COMMITTEE (TC)	
POLICY COUNCIL (PC)	
GOVERNMENT EFFICIENCY AND TRANSPARENCY AD HOC COMMITTEE (GETC)	

## MIAMI-DADE TRANSPORTATION ORGANIZATION

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

## 2025 HOLIDAYS

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

## LEGISLATIVE SESSION & RELATED DATES/BREAK RECESS

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

## STATE AND MUNICIPAL ELECTION DATES

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

## SUNSHINE MEETINGS

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



# Florida House of Representatives

## *Representative Mike Redondo*

### District 118

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

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

[mike.redondo@myfloridahouse.gov](mailto:mike.redondo@myfloridahouse.gov)

**July 10th, 2025**

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

Dear Charter Review Task Force Members,

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

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

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

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

Sincerely,

/s Mike Redondo  
State Representative, District 118

## Pickett, Bryce S. (COC)

---

**Subject:** FW: Excused Absence

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

Yes, correct! Thanks again, Kerry!!

### Demetria Henderson

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

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

Good morning Demetria,

Excused absence noted.

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



### Kerry Khunjar Breakenridge

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

Stephen P. Clark Government Center  
111 NW 1<sup>st</sup> Street, Suite 17-202  
Miami, FL 33128  
**Phone:** 305-375-5108  
**Cell Number:** 305-495-9778  
**Email:** [Kerryk@miamidadeclerk.gov](mailto:Kerryk@miamidadeclerk.gov)  
**Web:** [www.miami-dadeclerk.com](http://www.miami-dadeclerk.com)



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

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

**Subject:** Excused Absence

Good morning, Kerry!

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

Very best regards,

**Demetria Henderson**

Director of Legislative Affairs

Office of Mayor Daniella Levine Cava

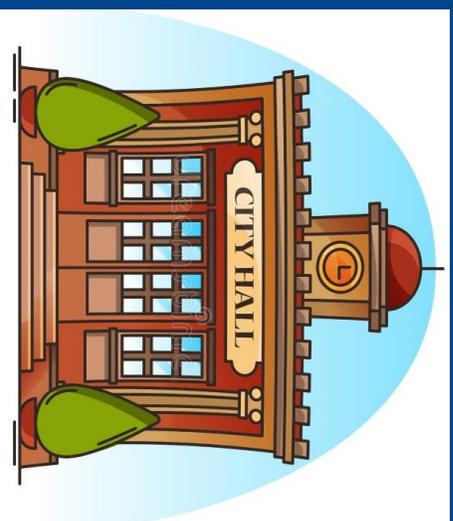
Cell [786-769-3985](tel:786-769-3985)

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



**Miami-Dade County  
Commission on Ethics and Public Trust**

**Miami-Dade Charter Review Task Force**



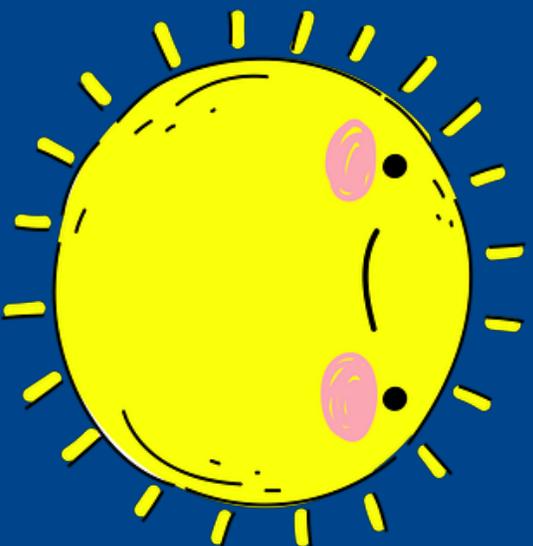
**Miami-Dade County  
July 10, 2025**

# INTRODUCTION

# Background on the Ethics Commission

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

# Government in the Sunshine F.S. Section 286.11

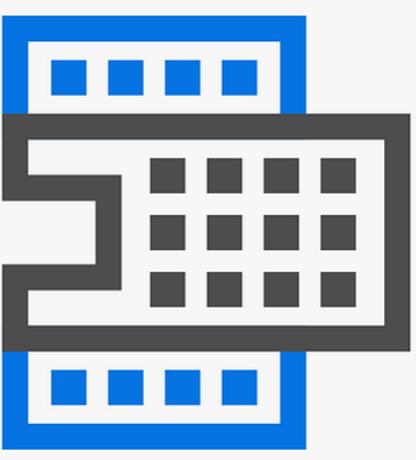


# Basic Rules

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

# Public Access to Meetings

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



# Per Se Meetings

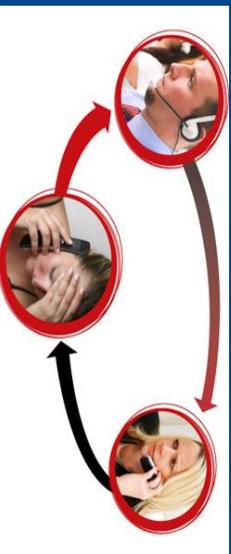
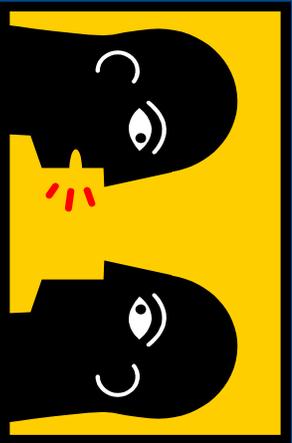
“In order for there to be a violation of F.S. 286.011, a meeting between TWO OR MORE public officials must take place which violates the spirit, intent, and purpose. The obvious intent of the [Sunshine Law] was to cover any gathering of some of the members of a public board where members discuss some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

# Community Meetings

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



# One-Way and Liaison Communications



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

# Electronic Meetings

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



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

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



# How to Cure a Violation

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



# Sanctions

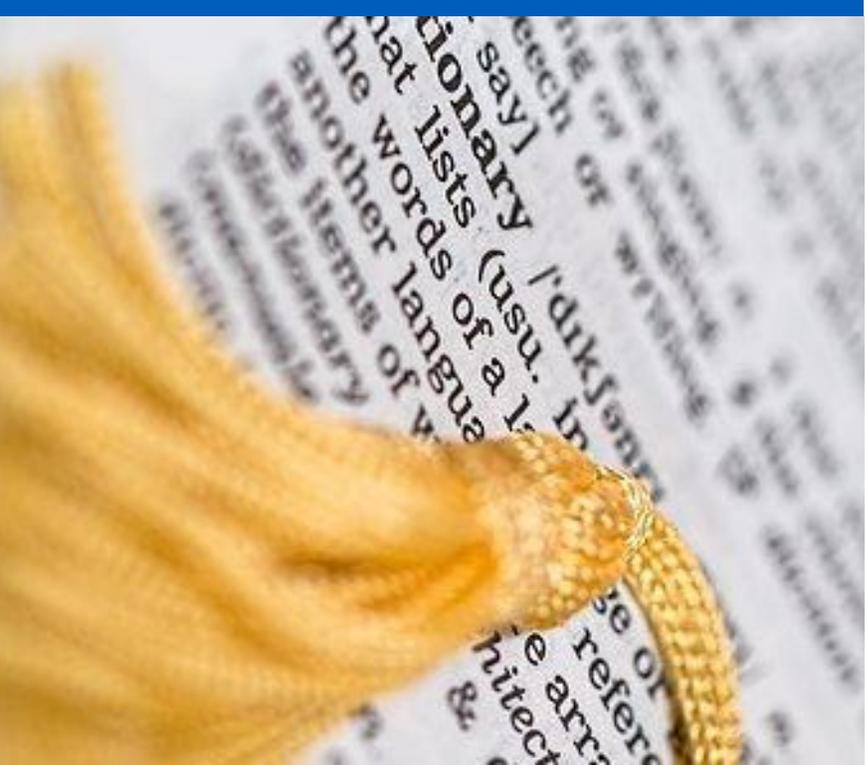


There are criminal sanctions including a term of imprisonment of up to 60 days in County Jail and up to fine of \$500 for knowingly violating the Sunshine Law.

**STATE OF FLORIDA**  
**PUBLIC RECORDS LAW**  
**CHAPTER 119, FLORIDA STATUTES**

# PUBLIC RECORDS: DEFINED

- All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or characteristics, made in connection with the transaction of official business.
- Section 119.011(12), Florida Statutes



# Private Device Communications



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

# PUBLIC RECORDS LAW: Custodian



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

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

# What about drafts?

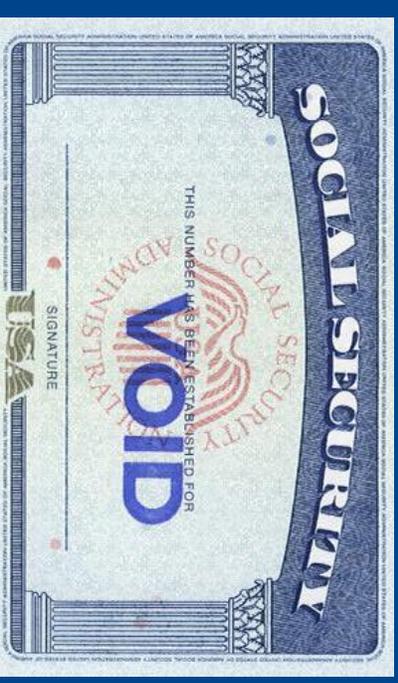
There is no “unfinished business” exception to the public inspection and copying requirements of Florida’s Public Records laws.

Inter-office memoranda and intra-office memoranda communicating information from one public employee to another or merely prepared for filing, even though not a part of an agency’s later, formal public product, would nonetheless constitute public records inasmuch as they supply the final evidence of knowledge obtained in connection with the transaction of official business.” *Shevin v. Byron Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d633 640 (Fla. 1980)

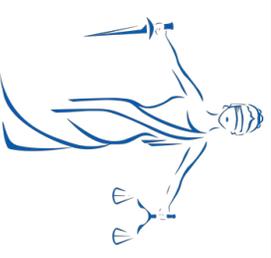


# PUBLIC RECORDS LAW: Categories of Exemptions

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



# PUBLIC RECORDS LAW: Violations & Consequences



## Criminal Penalties:

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

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

## Civil Actions:

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

## Ethics Violations:

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

# GIFTS

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



# GIFTS: DEFINITION AND EXCEPTIONS

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

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

**What forms may a gift take?**

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

**What are the major exceptions?**

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

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

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



# Prohibited Gifts

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

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

# Nefarious Motivation is Irrelevant

- “Tipping” a public official to get expedited service or simply to get “your file to the top of the basket” constitutes a prohibited gift and may constitute a criminal *quid pro quo* transaction.

- Ethics Opinion: Major developer in municipality wanted to host a dinner party for elected officials and administrators, following completion of a major project that received municipal approval. The party was viewed as gift in return for official action to be taken.



# PROHIBITED TRAVEL EXPENSES FROM COUNTY VENDORS

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

Example: Complimentary Cruises, Train or Air



# Gift Solicitation Exceptions

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

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

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

## GIFT DISCLOSURE

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

**MIAMI-DADE COUNTY  
QUARTERLY GIFT DISCLOSURE**

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

**PART A: STATEMENT OF GIFTS.** List below each gift, from one person or entity in excess of \$100, accepted by you during the calendar quarter for which this statement is being filed. Describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date the gift was received. Do not include gifts of less than \$100. Do not include gifts received from your spouse or dependent child. Do not include gifts received from any calendar quarter during which you did not receive a reportable gift. **File this statement for any calendar quarter during which you did not receive a reportable gift.**

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

**PART B: RECEIPT PROVIDED BY PERSON MAKING THE GIFT.** If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this disclosure. If no receipt was provided, you must check this box.  **NO RECEIPT PROVIDED.**

**PART C: FILING INSTRUCTIONS.** The signed and notarized form must be filed no later than the last day of the calendar quarter that follows the quarter for which this form applies. For example, if a gift is received in March, the disclosure must be filed by the end of the next quarter, i.e., June 30, unless you are filing with the Clerk of the Board of County Commissioners by 11:59 P.M., June 15, Miami, Fla. 33126. Municipal personnel file with their respective municipal clerk.

**PART D: OATH**

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attached receipts, true and correct to the best of my knowledge and belief, and that I am not aware of any other information that would cause me to believe that the information disclosed herein is false or misleading. I understand the contents of this disclosure and the consequences of my statements. I understand that I am subject to the provisions of Section 2-11.1 (e)(4) of the Code of Miami Dade County.

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

by \_\_\_\_\_  
(Name of Person Making Gift Disclosure)

\_\_\_\_\_  
(Signature of Notary Public, State of Florida)

Notary Public at Large (Commission Expires on \_\_\_\_\_)

Personally known to me or  Produced Identification  
Type of Identification Produced: \_\_\_\_\_

# Bribery & Unlawful Compensation

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

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

# EXPLOITATION OF OFFICIAL POSITION

Miami-Dade County Ethics Code, Section 2-11.1.1(g)

# EXPLOITATION OF OFFICIAL POSITION



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

## Exploitation

### Examples of Misuse of Official Position

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

# VOTING CONFLICTS

Miami-Dade County Ethics Code, Section 2-11.1.1(d)

## Voting Conflicts

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

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

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

# Application to Charter Review Boards

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

INQ# 15-61

## Local Standard is More Stringent Than the State's

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

# Best Practices For Officials:

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



# LOBBYING

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

# WHO IS A LOBBYIST?

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

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

# WHO IS NOT A LOBBYIST?

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

# WHO CAN BE LOBBIED?

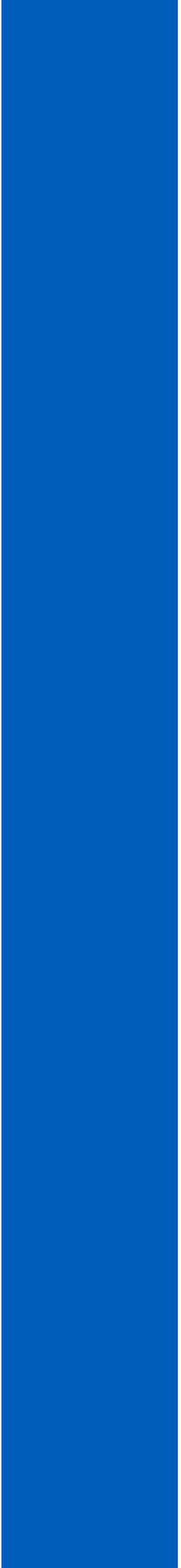
- County Mayor and County Commissioners
- County department directors and assistant or deputy directors
- Building and zoning inspectors
- Members of County advisory boards
- Any County employee with the authority to participate in procurement matters, when the communication is about the procurement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

## RESPONSIBILITIES OF COUNTY OFFICIALS AND PERSONNEL: DILIGENCE!

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



# CITIZENS' BILL OF RIGHTS



## Guarantees All Citizens:

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

## Truth In Government:

- *Krantzler v. Bd. of Cnty. Comm'rs of Dade Cnty.*, 354 So. 2d 126, 128 (Fla. 3d DCA 1978) (“No county or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.”)

# Citizens' Bill of Rights

## Miami-Dade Home Rule Charter, May 1957

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



# CONTACTS FOR QUESTIONS & GUIDANCE



Overtown Transit Village - North Tower

701 Northwest 1st Court, 8th Floor

Miami, Florida 33136

Telephone: (305) 579-2594

Hotline: (786) 314-9560

[ethics@miamidade.gov](mailto:ethics@miamidade.gov)

# ON BEHALF OF THE COMMISSION ON ETHICS



Dr. Judith Bernier, Chair

Wifredo “Willy” Gort, Vice Chair

Nelson C. Bellido, Esq., Commissioner

Dava J. Tunis, Esq., Commissioner

Professor Sandy Boisrond, Esq., Commissioner

Ignacio J. Vazquez, Jr., Executive Director

**Thank you for your invitation & your kind attention.**

# Overview of Home Rule and Miami-Dade County Charter

# Today's Discussion

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

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

---

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

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

---

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

# Types of County Government

## Non- Charter Counties

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

## Charter Counties

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

# The Constitution of 1885 and Limits on Local Government Authority

# Hunter v. Pittsburgh,

207 U.S. 161 (1907)

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

# Dillon's Rule

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

McQuillin, The Law of Municipal Corporations

# Local Government – 1885 Constitution

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

# County Government – 1885 Constitution

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

# *What is* **“Home Rule”?**

# What is Home Rule?

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

# What is Home Rule?

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

# The Constitution of 1968 and the Proliferation of Local Home Rule

# County Government – 1968 Constitution

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

# Local Government – Charter v. Non- Charter

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

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

# Fla. Const., Art. VIII, §6(e)-(f)

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

# Local Government – Miami-Dade County

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

# Chase v. Cowart,

102 So. 2d 147 (Fla. 1958)

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

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

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

# Local Government – Miami-Dade County

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

# Local Government – Miami-Dade County

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- What specific authority is expressly provided in the Home Rule Amendment:
- (a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.
- (b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; to levy and collect such taxes as may be authorized by general law and no other taxes, and to do everything necessary to carry on a central metropolitan government in Dade County.

Miami Dade County Home Rule Amendment, § 1

# Local Government – Miami-Dade County

- What is expressly provided in the Home Rule Amendment:
- (c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.
- (d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board of County Commissioners of Dade County.

Miami Dade County Home Rule Amendment, § 1

# Local Government – Miami-Dade County

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- What is expressly provided in the Home Rule Amendment:
- (e) May provide a method for establishing new municipal corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.
- (f) [Superseded by Amendment 10]
- (g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the Legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.

Miami Dade County Home Rule Amendment, § 1

# Local Government – Miami-Dade County

- What is expressly provided in the Home Rule Amendment:
  - (h) May change the name of Dade County.
  - (i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the Governor and Senate relating to the suspension and removal of officers provided for in this Constitution shall not be impaired, but shall extend to all officers provided for in said home rule charter.

Miami Dade County Home Rule Amendment, § 1

**Alternative Meeting Location: Main Library Auditorium**

**Friday, 8/1-all day**

**Friday, 8/8-all day**

**Saturday, 8/9-all day**

**Monday, 8/11 - all day**

**Tuesday,8/12-all day**

**Friday, 8/15-all day**

**Friday, 8/22-all day**

**Monday, 8/25 - all day**

**Tuesday, 8/26-all day**

**Friday, 8/29-all day**

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its second meeting at the Miami-Dade County Main Library: 101 W Flagler Street, Miami, FL 33130, on August 1, 2025 at 10:15 a.m.

**I – ROLL CALL**

The following Task Force members were present at roll call:

- Senator Alexis Calatayud;
- Ms. Stephanie V. Daniels;
- City of Miami Lakes Mayor Joshua Dieguez;
- Mr. Eric Eikenberg;
- Mr. Robert H. Fernandez;
- Mr. Rafael E. Granado;
- Mr. Jose Jimenez;
- City of Aventura Mayor Steven D. Losner;
- Former Miami-Dade County Commissioner Dennis Moss;
- Former City of North Miami Mayor Andre D. Pierre;
- Ms. Rebecca Wakefield;
- Former City of Miami Shores Mayor Crystal Wagar;
- Vice Chairman Michael Redondo (State Representative for House District 20); and
- Chairman Dennis Kerbel.

Ms. Iris Escarra joined the meeting virtually via Zoom.

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

- Assistant County Attorney (ACA) Michael Valdes;
- Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Mr. Ryan Lafarga, Senior Advisor, Office of Management and Budget (OMB);
- Ms. Alina Garcia, Miami-Dade Supervisor of Elections (SOE);
- Mr. Oren Rosenthal, Attorney, SOE;
- Mr. Tomás Regalado, Miami-Dade County Property Appraiser;
- Mr. Lazaro Solis, Deputy Property Appraiser;
- Ms. Diana Arteaga, Chief of Staff and General Counsel for the Property Appraiser;
- Mr. Juan Fernandez-Barquin, Clerk of the Court and Comptroller (COCC);
- Mr. Luis Montaldo, COCC General Counsel;
- Ms. Janet Luis, Miami-Dade Sheriff's Office General Counsel;
- Mr. Jerry Gomez, Miami-Dade County Deputy Tax Collector; and
- Bryce Stephenson-Pickett, Deputy Clerk, Clerk of the Board.

Chairman Dennis Kerbel requested that Vice Chairman Mike Redondo, Mayor Joshua Dieguez, and Mayor Andre D. Pierre introduce themselves to the Task Force, as they had been absent from the July 10, 2025 meeting.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

**II – PLEDGE OF ALLEGIANCE**

Commissioner Dennis Moss led the Pledge of Allegiance.

**III – REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD**

Chairman Dennis Kerbel opened the reasonable opportunity to be heard, seeing no one forward, Chairman Kerbel closed the reasonable opportunity to be heard.

**IV – TOPIC INTRODUCTION & BACKGROUND**

ACA Valdes provided background on the topic for today's meeting which included changes to the County Charter based on the County's transition to elected constitutional officers. He explained that the Florida Constitution was amended in 2018, and went into effect with the November 2024 elections. ACA Valdes noted that with the exception of the clerk, the newly elected constitutional officers first took office on January 7, 2025.

ACA Valdes reviewed Article VIII, Section 1 of the Florida Constitution regarding constitutional officers, noting that electors of each County would elect a Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of Courts for four-year terms. He explained that charter counties previously had authority to abolish these offices by transferring duties and functions to the County or a department, but the 2018 amendment eliminated that power through new language stating that County charters may not abolish these offices, transfer their duties, change the length of terms, or establish any manner of selection other than election by County electors.

ACA Valdes referenced Article II, Section 5(c) of the Florida Constitution, which clarified that duties, powers, compensation, and method of payment of County officers shall be fixed by law. He explained that "law" had been defined by Supreme Court precedent as generally referring to State legislature action through general law.

ACA Valdes explained that Miami-Dade County's Home Rule Charter contained multiple references to abolishing constitutional offices based on the previous constitutional structure. He Stated that these provisions were of no effect because the Constitution had superseded them. ACA Valdes noted that while these charter provisions had no legal effect whether deleted or not, there was a need to clean up the charter language to reflect current State law

Mr. Eric Eikenberg inquired about the process following the Charter Review Task Force's completion of work, specifically whether recommendations would go to the Board of County Commissioners (Board) and then to voters as ballot measures.

ACA Valdes confirmed that the Board of County Commissioners had discretion to place charter amendments on ballots. He explained that previous cleanup amendments had been grouped into single ballot questions when they involved legal or technical changes. ACA Valdes Stated that policy changes

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

requiring County discretion would require separate amendments. He offered to provide examples of past cleanup amendments.

**V – PRESENTATIONS**

**A. SUPERVISOR OF ELECTIONS**

Ms. Marina Garcia presented an overview of her office. She explained that constitutional officers were separate governmental entities governed by State, not County law. Ms. Garcia outlined the office's responsibilities including election administration, voter registration, voter education, issuing voter information cards, providing various voting methods, certifying petition validity, maintaining election equipment, hiring and training workers, and qualifying candidates for office.

Ms. Garcia explained that while the Supervisor of Elections compensation was set by State law and paid by the Board, State law preserved the office's independence in decisions relating to purchasing supplies and equipment, personnel selection, hiring, firing, and salary setting. She noted the office employed 151 permanent staff and up to 2,000 temporary staff during general elections, managed 762 precincts and 526 polling places, served over 1,000,630 registered voters, and conducted up to 30 elections annually.

Mr. Oren Rosenthal presented recommended charter amendments. He explained three (3) reasons for the changes: eliminating outdated provisions from the previous governmental structure, resolving conflicts with State law, and implementing recommendations that would make County processes easier while reflecting the new constitutional structure.

Mr. Rosenthal highlighted the significance of the constitutional amendment language that began with "notwithstanding section 6E of this article." He explained this was a direct reference to pre-existing home rule amendment language that no longer overrode State law provisions. Mr. Rosenthal recommended that the Task Force look to Article VIII, Section 1D first when determining whether duties belonged to constitutional officers or were subject to County control.

Mr. Rosenthal presented two (2) general recommendations applicable to all constitutional officers:

1. **Section 1.01(a)(19) Amendment:** Add language clarifying that the Board of County Commissioners did not have power by ordinance to abolish or impair the jurisdiction, responsibilities, powers, or duties of County constitutional officers set forth in the Florida Constitution or by general law, except as provided therein. He explained the exception language would preserve flexibility for situations where the constitution or State law granted permission for County action.
2. **Section 9.01 Replacement:** Remove the current section that abolished constitutional officers and transferred functions, replacing it with three provisions:
  - a. Restatement that the County shall not abolish, impair, or transfer constitutional officer jurisdiction, responsibilities, powers, or duties except as permitted by the Constitution and general law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

b. Constitutional officers 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 on matters within their jurisdiction, responsibilities, powers, or duties.

c. The County may enter into contracts with constitutional officers for joint performance or performance by one on behalf of the other of any authorized function.

Mr. Rosenthal explained that Option B mirrored existing charter language for the Mayor and would define governmental structure by giving constitutional officers ability to present matters to the Commission for consideration. He Stated this would prevent the Commission from avoiding decisions through inaction and would provide constitutional officers with authority to appear before the Commission in exercising their State-mandated duties.

Regarding Option C, Mr. Rosenthal noted this was similar to interlocal agreement provisions but specific to constitutional officers. He explained that the County had previously assigned duties to these offices that were not required by State law, such as filing reports about candidate activities and issuing fines. Mr. Rosenthal Stated that since constitutional officers could now only exercise such powers through agreements with the County, this provision would provide clear authority lines.

Chairman Dennis Kerbel asked whether these optional changes could be considered technical amendments for inclusion in a lump sum cleanup.

Mr. Rosenthal explained that this would depend on how the ballot question was drafted. He noted there was no single-subject rule for County charter amendments recommended by the Board. Mr. Rosenthal Stated that depending on ballot question language describing the chief purpose of changes, all amendments could potentially be included in one question.

ACA Valdes confirmed that the County Attorney's Office would be responsible for drafting ballot language pursuant to Board direction. He Stated that the Task Force had discretion in determining how to recommend packaging items together.

Commissioner Dennis Moss asked how Option B would work during a Board meeting.

Mr. Rosenthal suggested two approaches: a Commissioner could inform the Board about a constitutional officer's issue, or the Board could enact an ordinance creating a process after adopting the charter provision. He recommended the Board could allow constitutional officers to sponsor agenda items subject to the Chair's discretion, providing public opportunity for constitutional officers to exercise their duties under State law while noting the Board would retain discretion whether to act.

Chairman Dennis Kerbel asked whether the language would require the Commission Chair to authorize sponsorship of agenda items.

Mr. Rosenthal clarified that the language alone would not require authorization but was one suggested way to effectuate the charter provision.

Mayor Andre Pierre commented that Option B seemed unnecessary since he believed constitutional officers would automatically be entitled to be heard at meetings.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

Chairman Dennis Kerbel noted there was a parallel provision for the Mayor and asked for the County attorney's guidance.

ACA Valdes read Section 2.02(b) of the Home Rule Charter into the record, which Stated 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.

Mr. Rosenthal acknowledged the parallel provision but emphasized the importance of protecting constitutional officers' rights to participate without potential political hindrance. He noted that while government ideally worked cooperatively, having this provision ensured constitutional officers could present matters that may not be convenient for the Board.

Commissioner Dennis Moss asked about differences between the current process for constitutional officers to request legislation and the proposed new process.

Mr. Rosenthal explained that constitutional officers currently must find a commissioner to sponsor their items. He Stated that if a previous commissioner had sponsored a similar item, Board procedural rules would delay consideration of the new request. Mr. Rosenthal noted the proposed provision would allow constitutional officers to present items to the Board without procedural delays, while the Board retained discretion on whether to take action.

Vice Chairman Michael Redondo asked whether Option C would allow constitutional officers to transfer constitutional mandated authorities back to the County.

Mr. Rosenthal clarified that this option would allow the County to assist constitutional officers in exercising their authority, similar to existing interlocal agreement provisions in the charter.

Mr. Rosenthal presented several specific changes for the Supervisor of Elections:

1. Section 3.04 Qualifications and Fees: Return candidate qualification authority to the Supervisor of Elections as required by Florida Statute 99.061 rather than the Clerk of Circuit Court, and ensure qualifying fees were paid to the Supervisor of Elections office rather than County general funds.
2. Petition Qualification Process: Modify language to ensure qualification by petition followed State law rather than charter provisions, preventing potential conflicts if the legislature changed requirements.
3. Creation of New Municipalities: Remove timeline requirements imposed on the Supervisor of Elections by charter, allowing State law to govern timing, and transfer responsibility for presenting petitions to the Board from the Supervisor to the incorporation committee.
4. Election Timing Provisions: Add language to various sections stating elections should occur within specified timeframes "or at such other time as the Supervisor of Elections provides for such election," recognizing that these were special elections and the Supervisor of Elections had authority under general law to determine when registration books were available.

Mr. Eric Eikenberg asked whether the provisions were consistent with State law, which Mr. Rosenthal confirmed.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

Chairman Dennis Kerbel asked about County commissioners' status as constitutional officers.

ACA Valdes explained that County commissioners were recognized as County officers within the Florida Constitution. He noted that specifically for Miami-Dade County, the Home Rule Amendment incorporated into the Florida Constitution designated the Board of County Commissioners as the governing body.

Mr. Rafael Granado asked about the number of recommended ballot questions.

Mr. Rosenthal recommended limiting ballot questions to three to prevent voter fatigue. He suggested as few questions as possible while adequately informing voters of changes.

**B. PROPERTY APPRAISER**

Mr. Tomás Regalado presented information about his office's role and recommended charter changes. He described the constitutional change as the most significant alteration to County government since districts were enacted in the 1990s, with five offices that were previously part of County government now being independent.

Mr. Regalado Stated his office's mission was to value all properties in Miami-Dade County and help property owners understand and access exemptions and benefits allowed by State law. He described an outreach campaign visiting all 34 municipalities and unincorporated areas. Mr. Regalado noted they had conducted 19 visits since taking office and assisted over 3,000 people in obtaining exemptions they previously had not known they qualified for.

Mr. Regalado explained that the Property Appraiser was governed by State law with oversight from the Department of Revenue, requiring mandatory training and annual continuing education. He noted his office worked with the State legislature on issues such as increasing veteran disability exemptions and addressing senior exemption qualification requirements.

Mr. Regalado recommended changes were to remove all outdated references to the Property Appraiser from Charter Sections 1.01, 1.05, 5.04, 8.02, and 9.01. He explained that most references in the charter related the office to Miami-Dade County government governance, but emphasized that while the office maintained good relationships with the County Commission, Mayor's office, and other departments through signed agreements, they needed these references removed to properly navigate under State laws that now governed the office.

Chairman Dennis Kerbel asked whether State statutes governing the Property Appraiser had changed with the structural transition.

Ms. Diana Arteaga confirmed there was no change to statutory oversight.

Mayor Andre Pierre asked whether Mr. Regalado would recommend provisions requiring property tax calculation processes that would save residents from having to challenge assessments.

Mr. Regalado explained that mechanisms existed to protect property owners, including the ability to discuss assessments directly with his office and appeal to the Value Adjustment Board (VAB). He noted

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

his office had reduced court challenges by 300% since taking office, choosing to work with residents rather than use taxpayer money to sue taxpayers.

Commissioner Dennis Moss asked whether the administration considered the referenced sections obsolete.

ACA Valdes reviewed the history, explaining that while the Property Appraiser was an elected official starting in 2008, it was a charter-created office functioning under the Board's direction and supervision until the constitutional change. He noted provisions allowing the Board to pass ordinances dictating office operations were no longer needed. ACA Valdes committed to researching the provisions to determine which were obsolete versus discretionary.

**C. CLERK OF COURT AND COMPTROLLER**

Mr. Juan Fernandez-Barquin presented information about his office's four primary roles: Clerk of the Circuit Court, Clerk of the Board, County Recorder, and Comptroller. He explained the office's historical significance, dating to 1821 with the territorial governor's creation of a clerk for transferring land titles from Spanish territory, becoming a constitutional office in 1838.

Mr. Fernandez-Barquin outlined the office's dual funding structure, explaining that the COCC operated under two distinct budgets: court operations funded through traffic tickets, filing fees, service charges, and parking tickets; and County functions funded primarily through documentary stamp revenues and general fund appropriations, with approximately half of the County-side budget derived from general fund contributions.

Mr. Fernandez-Barquin outlined several recommended charter changes including:

1. Removal of outdated leave of absence provisions for County constitutional officers;
2. Updating election-related provisions requiring candidates to qualify with the Clerk rather than Supervisor of Elections, noting this was now unnecessary;
3. Removal of Section 5.003(a) requiring the finance director to be appointed by both the Mayor and clerk, since the Florida Constitution clearly delineated that the Clerk's office supervised financial matters;
4. The review duties of the Office of Commission Auditor to clarify audit powers and ensure they did not duplicate constitutional officer powers, citing Florida Statute 125.691 which Stated duties exclusive to constitutional officers could not be duplicated by the County;
5. The review of Office of Inspector General powers to clarify differences or eliminate overlapping authority;
6. Transferring creation of municipalities duties to Office of Management and Budget and County Attorney's Office, keeping only ministerial record-keeping functions with the Clerk;
7. Transferring initiative and referendum petition canvassing duties to Supervisor of Elections, retaining only petition acceptance and form approval functions;
8. Transferring recall petition canvassing to Supervisor of Elections, noting the office lacked resources for the intensive canvassing required; and
9. Transferring charter amendment petition execution to Supervisor of Elections while retaining petition receipt and form approval.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

Clerk Fernandez-Barquin expressed support for the constitutional officers' right to attend and be heard at commission meetings, emphasizing the necessity of formal access to present critical matters such as audit results or financial issues to the Board. He indicated that while the provision would be utilized sparingly in most circumstances, direct access to the Board would be essential when addressing significant matters requiring formal communication to maintain transparency and operational effectiveness.

Mayor Andre Pierre asked whether the office could no longer perform certain duties or if other offices were better equipped for them.

Mr. Fernandez-Barquin explained that with the Supervisor of Elections now independent, election-related functions should transfer for efficiency, though his office could perform them. He provided additional context about the rationale for these transfers, citing budget constraints and noting that many of the proposed transferred functions fell outside his office's core areas of expertise and created operational challenges that strained available resources.

Ms. Rebecca Wakefield asked about preserving intent while cleaning up language regarding inspector general functions.

Mr. Luis Montaldo emphasized the importance of transparency, noting that charter ambiguity could frustrate the public.

Mr. Robert Fernandez expressed interest in audit-related provisions.

Mr. Fernandez-Barquin explained that nothing prevented the Inspector General or Commission Auditor from evaluating fund usage, but the COCC handled specific financial oversight to ensure funds were not misused and were directed as commissioners approved.

Commissioner Dennis Moss asked about differences between these proposals and other counties' approaches.

ACA Valdes clarified the constitutional framework governing clerk functions, explaining that while duties may be divided between court and comptroller roles under State law, Miami-Dade County's home rule charter structure limited such modifications to general law rather than the special legislation utilized by other jurisdictions such as Broward County.

#### **D. SHERIFF'S OFFICE**

Ms. Janet Luis presented recommendations to ensure consistency with the Constitution and State law, which required an elected sheriff in each County with exclusive policing responsibility.

The recommended changes included:

1. Article 1, Section 1.6 (Powers):
  - a. Removal of language from Subsection A, paragraphs 4 and 19 referencing powers now exclusive to the Sheriff's office

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

- b. Modification of paragraph 8 by removing language in the first line referencing policing functions
- 2. Article 6, Section 6.05 (Creation of New Municipalities):
  - a. Removal of reference connecting Miami-Dade County to policing services while still enabling new municipalities to contract for local police services
- 3. Article 9, Section 9.01:
  - a. Adoption of the same language presented by the Supervisor of Elections for general constitutional officer provisions

Mayor Steven Losner asked whether removing traffic control language would prevent the Board from implementing school zone speed cameras or red light camera systems.

ACA Valdes explained that traffic control extended beyond Sheriff and law enforcement functions. He referenced Florida Supreme Court decisions allowing Miami-Dade County to establish traffic control systems like speed limits. ACA Valdes noted that while policing functions were exclusive to the sheriff, traffic control included broader regulatory authority not related to law enforcement.

**E. TAX COLLECTOR**

Mr. Jerry Gomez presented on behalf of Mr. Dariel Fernandez, Constitutional Tax Collector. He reviewed Amendment 10's impact and the Tax Collector's independence from Miami-Dade County as of January 7, 2025.

Mr. Gomez outlined the office's responsibilities including collecting real eState, tangible personal property, and business taxes and distributing them to local taxing authorities including 34 municipalities, three State-authorized taxing authorities, Miami-Dade County, special districts, library district, and school board. He noted that the office also acted as agent for various State agencies issuing hunting and fishing licenses, vehicle titles and registrations, Florida sales tax collection, special parking permits, and oversight of private tag agencies.

Mr. Gomez highlighted major expansion of services, particularly adding driver's license services and converting five State-run offices to full-service County tax collector offices. The office planned to operate 13 offices by year-end, including new locations in Coral Gables and Miami Beach.

The Tax Collector's recommended charter amendments included a comprehensive cleanup to:

- a. Address all provisions rendered unconstitutional by Amendment 10;
- b. Replace references to "County" with "Tax Collector" where appropriate;
- c. Clarify in Article 5, Section 5.04 that the Tax Collector, not the County, was responsible for property tax collection and distribution; and
- d. Include the same general constitutional officer provisions (Article 9, Section 9.01) presented by other officers.

Mr. Gomez emphasized the importance of provisions allowing constitutional officers to bring items to the Board, citing the annual extension of tax roll deadlines as crucial to preventing financial disaster for local governments that could not operate until VAB concluded and tax bills were mailed.

**CLERK’S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

Mayor Andre Pierre raised concerns about service delivery at the North Dade Justice Center, citing long lines and early morning queues.

Mr. Gomez explained that budget and staffing issues had been resolved as part of the transition, with expanded hours (8:00 a.m. to 5:00 p.m.) and commitment to serve all customers in the lobby by closing time.

Mr. Fernandez-Barquin added that space limitations had been addressed, with the Tax Collector's footprint expanding from 200 to 1,100 square feet in the North Justice Center through collaboration between offices.

**VI -- COMMENTS/DISCUSSION BY TASK FORCE MEMBERS**

**A. PROPOSED AMENDMENTS AND/OR REVISIONS TO THE HOME RULE CHARTER RELATED TO CONSTITUTIONAL OFFICES**

Mr. Eric Eikenberg asked whether there was discretion regarding allowing constitutional officers to be heard, suggesting adding constitutional officers under the Mayor's section of the Charter.

Chairman Dennis Kerbel noted that while constitutional offices were independent entities, the Task Force needed to determine its position on allowing these offices to sponsor agenda items.

ACA Valdes advised that Section 2.02 would not be the proper vehicle for constitutional officer language since it specifically outlined the Mayor's authority in a Mayor-dominated governmental structure. He explained that while the Board Chair and Commission could create Rules of Procedure allowing constitutional officers to be heard, the charter provision would provide more robust rights.

Mr. Rosenthal advocated for more robust charter rights, reiterating his general recommendations.

Mr. Fernandez-Barquin supported this but acknowledged it remained the Chair's discretion.

Mr. Lazaro Solis summarized that all officers wanted the ability to present concerns and sponsor time-sensitive items without hindrance. He noted that Board inaction on time-sensitive matters significantly impacted residents and local governments.

Chairman Dennis Kerbel asked whether the constitutional officers sought authority to sponsor agenda items.

Mr. Fernandez-Barquin Stated he preferred not to have legislative sponsorship authority, respecting the legislative body's role.

Mr. Rosenthal agreed there was a difference between sponsoring legislative items and placing discussion items on agendas, with constitutional officers needing to ensure their statutory responsibilities were met in a timely manner.

Commissioner Dennis Moss expressed concern that the proposal could disrupt the legislative process.

Vice Chairman Redondo agreed, stating opposition to officers forcing items onto agendas without regulation.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

**B. STAFF UPDATES**

Ms. Demetria Henderson requested Task Force members review the availability survey for scheduling the next meeting.

Discussion ensued regarding potential dates, with August 25, 2025 having the most member availability.

It was moved by Mr. Jose Jimenez to hold the next CRTF Meeting on August 25, 2025 at the Miami-Dade Main Library at 10:00 a.m. This motion was seconded by Senator Alexis Calatayud and passed by a vote of 14-0 (Ms. Iris Escarra was unable to vote due to joining virtually).

Ms. Henderson requested permission to invite Constitutional Officers to the August 25 meeting, with Chairman Dennis Kerbel approving both in-person and virtual participation options.

Mr. Ryan Lafarga provided a status update on the comparative review of how other Florida Home Rule counties interacted with their Constitutional Officers which included Broward, Palm Beach, Orange, Pinellas, and Volusia counties, with Volusia having recently updated their charter in 2021.

Chairman Dennis Kerbel requested the information be provided by August 25 in the simplest format possible, with Commissioner Dennis Moss requesting it be distributed one week prior to the meeting.

Commissioner Dennis Moss asked whether the ethics training from the first meeting satisfied requirements.

Ms. Henderson confirmed it was sufficient but noted all members needed to complete sexual harassment prevention training, which could be done virtually.

Mr. Eric Eikenberg requested that the comparative report be sent to Constitutional Officers and asked for copies of all PowerPoint presentations.

Ms. Henderson confirmed both requests would be fulfilled.

**C. OTHER DISCUSSION ITEMS**

Chairman Dennis Kerbel introduced corrections to the July 10, 2025 minutes, noting that page 8 should reflect one meeting on annexation and incorporation and one meeting on land-use and sea level rise, totaling seven meetings.

It was moved by Mayor Joshua Dieguez to approve the July 10, 2025 Charter Review Task Force Minutes as corrected. This motion was seconded by Ms. Rebecca Wakefield and passed by a vote of 14-0 (Ms. Iris Escarra was unable to vote due to joining virtually).

Chairman Dennis Kerbel requested that staff prepare a technical Charter amendment incorporating all Constitutional Officer recommendations from today's meeting.

ACA Valdes cautioned that not all recommendations were technical changes. He offered to provide two options: one including all suggestions with language acknowledging both technical and discretionary changes, and another with purely technical changes for charter cleanup. ACA Valdes cautioned that

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 1, 2025**

packaging everything as "technical" might not provide clear voter indication of what they would be voting on.

Chairman Dennis Kerbel expressed preference for avoiding voter fatigue through a single question including all changes, while leaving discretion to ACA Valdes on drafting. He specifically requested language reflecting Constitutional Officers' authority to sponsor items where statutes required time-certain or emergency action, leaving other discretion to the Board.

ACA Valdes agreed to work directly with the Chairman on drafting such language for presentation at the next meeting.

Ms. Rebecca Wakefield requested that if the County identified any recommendations as challenging, staff provide a list for member review prior to the next meeting.

**VII -- ADJOURNMENT**

There being no further business to come before the Charter Review Task Force, the meeting was adjourned at approximately 1:00 p.m.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its third meeting at the Miami-Dade County Main Library, 101 W Flagler Street, Miami, FL 33130; on August 25, 2025 at 10:26 a.m.

**I. Roll Call**

In attendance were the following Task Force members:

- ~ Mr. Rafael E. Granado;
- ~ Mr. Eric Eikenberg;
- ~ Ms. Iris Escarra;
- ~ Mr. Robert H. Fernandez;
- ~ City of Homestead Mayor Steven D Losner;
- ~ Ms. Rebecca Wakefield;
- ~ Former Miami-Dade County Commissioner Dennis Moss;
- ~ Ms. Stephanie V. Daniels;
- ~ Town of Miami Lakes Mayor Joshua Dieguez;
- ~ Vice Chairman Michael Redondo, (State Representative for House District 20); and
- ~ Chairman Dennis Kerbel.

The following Task Force members were absent:

- ~ Mr. Jose Jimenez;
- ~ Former City of North Miami Mayor Andre D. Pierre;
- ~ Former City of Miami Shores Mayor Crystal Wagar; and
- ~ Senator Alexis Calatayud

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

- ~ Assistant County Attorneys (ACA) Michael Valdes and Jose D Vazquez;
- ~ Mr. Oren Rosenthal, Attorney, Supervisor of Elections (SOE);
- ~ Mr. Maurice Kemp, Deputy Mayor, Office of the Mayor;
- ~ Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- ~ Ms. Tivia Rouland, Mayor's Aide, Office of the Mayor;
- ~ Mr. Ryan Lafarga, Senior Advisor, Office of Management and Budget;
- ~ Mr. Raul Mas, Business Analyst, Office of Management and Budget (OMB);
- ~ Mr. Phil Edwards, Chief Intergovernmental Affairs Department of Transportation and Public Works (DTPW)
- ~ Mr. Erik Morales, Deputy General Counsel, Miami-Dade Sheriff's Office (MDSO);
- ~ Mr. Luis Montaldo, General Counsel, Clerk of the Court and Comptroller (COCC);
- ~ Ms. Barbara Galvez, Chief Administrative Officer, COCC;

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

~ Mr. Gerardo Gomez, General Counsel, Miami-Dade County Office of the Tax Collector; and  
~ Ms. Selena Hadley, Deputy Clerk, Clerk of the Board.

## **II. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Dennis C. Moss.

## **III. Reasonable Opportunity for the Public to be Heard**

Chairman Dennis Kerbel opened the reasonable opportunity to be heard. Seeing no one come forward to speak, the reasonable opportunity to be heard was closed.

## **IV. Charter Matrix Presentation**

Mr. Ryan Lafarga presented a comprehensive analysis examining how five home rule charter Counties addressed constitutional officers in their charters. The analysis focused on Broward, Hillsborough, Orange, Pinellas, and Palm Beach Counties. Volusia County was excluded because its charter had not been updated to reflect Amendment 10 structure, with its next charter review scheduled for 2026.

The analysis examined three key areas: (1) how constitutional officers were referenced within each charter; (2) whether constitutional officers had the ability to be heard or place items directly before the board; and (3) whether charters authorized interlocal agreements or contractual arrangements between the County and constitutional offices for joint services.

Mr. Lafarga noted that Orange County was the only jurisdiction structurally comparable to Miami-Dade County with a strong mayor, though Orange County also had a County administrator appointed by the mayor and confirmed by the Board of County Commissioners.

Mr. Lafarga reported the following key findings:

**Clerk of the Circuit Court:** Structural variations existed across the five Counties. Broward County retained comptroller functions following a 2020 referendum pursuant to House Bill 989, a special law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel confirmed that this approach would not be available to Miami-Dade County due to a constitutional prohibition preventing the legislature from passing special laws relating exclusively to Miami-Dade County, as explained by ACA Valdez.

Orange County had separately elected Clerk and Comptroller positions, while Hillsborough, Palm Beach, and Pinellas Counties had a single official serving both roles, similar to Miami-Dade County's structure.

County-specific provisions included:

- Broward County: All constitutional offices were subject to the County Code of ethics;
- Orange County: The Comptroller was required to analyze the impact of potential charter duties; and
- Pinellas County: All five constitutional officers served on the County attorney's oversight committee

**Property Appraiser:** Provisions were similar across Counties. In Orange County, the Property Appraiser was subject to audits by the Comptroller. Palm Beach County elected the position on a nonpartisan basis and specifically defined the Property Appraiser as a constitutional officer in the charter.

**Sheriff:** Broward County subjected the Sheriff to the County Code of ethics and outlined the Board's duty to provide methods of funding for law enforcement services in unincorporated areas.

**Supervisor of Elections:** Mr. Lafarga noted a scrivener's error on the presentation slide relating to Broward County, which should reference Section 7.01(F). In Hillsborough County, the charter review board was required to file proposed amendments with the Supervisor of Elections (SOE), who must place amendments on the ballot. For citizen-initiated petition amendments, the SOE certified start and end dates, verified signatures, and placed measures on the ballot.

**Tax Collector:** Broward County underwent a transition similar to Miami-Dade County on January 7, 2025, converting the Tax Collector department to an elected position. However, the Tax Collector was not recognized as a constitutional officer in Broward County's charter, requiring the County to address this in their next charter review scheduled for 2030.

Mr. Lafarga concluded the presentation highlighting the following findings:

For Hillsborough, Orange, Palm Beach, and Pinellas Counties, the charters contained no mention of provisions allowing constitutional officers to be heard or place items on agendas. Broward

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

County was the only jurisdiction addressing two of the three research areas: providing that any person had the right to be heard at commission meetings, and authorizing the County attorney to represent constitutional officers. Mr. Lafarga emphasized that Section 3.07(B) of the Broward County charter contained a significant provision stating that all operational services shall be made available to constitutional offices at cost.

Referencing the information provided related to the SOE, Chairman Kerbel noted that some charters assigned certain functions to supervisors of elections and asked whether such provisions would be consistent with Amendment 10 or represented outdated language.

ACA Valdez advised that the provisions in the formal charters predated Amendment 10 and had not been updated since its passage. He explained that these provisions imposed certain requirements and responsibilities on the SOE concerning petition receipt and verification. ACA Valdez noted that the Supervisor was the only County officer with the means to verify petition signatures against registered voters.

Mr. Rosenthal explained that Amendment 10 changed what County charters could require constitutional officers to do. He cited case law which had previously allowed Counties to place additional duties on constitutional officers because Counties could abolish those offices. Since Counties had the power to eliminate the offices entirely, they could also add extra responsibilities without violating the Constitution.

Mr. Rosenthal noted that no court had addressed these issues since the 2018 amendments, leaving the legal question unresolved. He explained that the Supervisor's position matched the County Attorney's view: if State law assigned a duty to the Supervisor of Elections—such as verifying petition signatures—the charter could require or request performance of that duty. However, if the charter attempted to impose requirements beyond those authorized by State law, such provisions would be legally problematic.

Chairman Kerbel inquired about provisions in other County charters that subjected one constitutional officer to be audited by the Comptroller, asking whether such arrangements were consistent with Amendment 10.

Mr. Luis Montaldo concurred with the legal analysis presented by Mr. Rosenthal regarding charter provisions that predated Amendment 10. Mr. Montaldo noted that many such provisions likely had not been challenged or revised following the amendment's implementation. He reasoned that should constitutional officers elect to exercise powers granted under the Florida Constitution and applicable Statutes, established case law would clearly establish that certain governmental functions within Counties remain exclusive to the Clerk's authority.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

ACA Valdez indicated that legal opinions and case law suggested Counties lacked authority to impose such arrangements on constitutional officers. He noted, however, that most relevant precedents predated Amendment 10 and relied on reasoning potentially affected by the amendment's changes. ACA Valdez observed that no cases had interpreted these provisions post-Amendment 10, describing the legal landscape as uncharted territory.

Mr. Rosenthal informed the Task Force that the SOE had voluntarily contracted with the COCC for auditing services, recognizing the Clerk's expertise in this area. He Stated that such interlocal agreements represented a better approach than imposing potentially challengeable charter provisions, noting that voluntary cooperative agreements avoided constitutional concerns while achieving practical objectives.

In response to Commissioner Moss' inquiry as to how other Counties had updated their charters to address Amendment 10, Mr. Lafarga confirmed most of the Counties had not updated their charters since Amendment 10's passage, with only Orange County and Pinellas County completing charter updates in 2024. Mr. Lafarga advised that both Counties were required to adhere to Amendment 10 requirements despite their charters containing pre-Amendment 10 language.

Commissioner Moss voiced his objections to the proposed charter amendment granting constitutional officers the right to address the Board and add agenda items. He noted that he found no precedent for such provisions among major Counties or municipalities and pointed out that legislative bodies maintained control over their own agendas and procedures—a practice mirrored by the Florida Legislature at the State level.

Commissioner Moss cautioned against establishing potentially problematic precedents, and reiterated he would not support incorporating these provisions into Miami-Dade's charter, as they would represent a significant departure from established legislative governance standards and could undermine the Board's procedural authority.

Ms. Iris Escarra sought clarification regarding the distinction between "Clerk of the Board" and "Clerk of the Circuit Court and Comptroller" as referenced in Florida Statutes Section 28.12, noting potential confusion in the charter's use of these terms.

ACA Valdes outlined the three distinct functional capacities of the Clerk's office. As Clerk of the Circuit Court, the Clerk served as an officer of the court performing judicial functions. As Comptroller, the Clerk acted as custodian of County funds and County auditor—roles explicitly defined in the Florida Constitution. As Clerk of the Board, the Clerk functioned as County recorder and performed ministerial duties on behalf of the Board.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

ACA Valdes clarified that the County possessed regulatory authority over the Clerk only when acting in the "Clerk of the Board" capacity. He cited existing provisions in State Statutes and County Code that direct the Clerk of the Board to transmit resolutions or ordinances to designated locations. ACA Valdes emphasized this ministerial function was legally distinct from the Clerk's constitutional roles as court officer or comptroller, where the County lacked authority to impose additional requirements. He concluded that established legal precedent supported the County's ability to mandate specific ministerial actions from the Clerk of the Board, independent of the Clerk's constitutionally protected duties.

**V. Agenda Items**

**A. Proposed Technical Changes**

Before proceeding to the constitutional officers' proposed charter amendments, Chairman Kerbel requested an update from staff regarding the status of technical changes that had been discussed at previous meetings.

The Task Force members were advised that staff had prepared a preliminary list of non-substantive edits to the charter and transmitted them to the County Attorney's Office on August 11, 2025. He explained these technical changes included updating outdated references throughout the charter, such as changing "Dade County" to "Miami-Dade County," correcting inconsistent capitalization, updating gender-neutral terminology, changing "he" to "he or she," and removing small parenthetical references. It was further clarified these were stylistic corrections to ensure consistency where amendments over time had created variations in terminology.

ACA Valdes confirmed the County Attorney's Office had reviewed the preliminary list and found the proposed changes acceptable. He emphasized all changes were technical in nature and could be presented at any Task Force meeting as appropriate. ACA Valdes explained these were minor stylistic changes to ensure conformity and consistency within the charter where the same terms may not have been used uniformly over time due to piecemeal amendments. He noted none of these changes would constitute material alterations requiring detailed description in a charter amendment ballot question, and all could be described collectively as "technical changes."

ACA Valdes further explained that technical changes potentially required as a result of Amendment 10 could be discussed through the current meeting's review process. He suggested the Task Force could determine whether to combine Amendment 10-related technical corrections with the other stylistic changes or handle them as separate items, deferring to the Task Force's preference on how to proceed.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel indicated his intention to first complete the review of constitutional officers' proposed changes at the current meeting, then present the compiled technical changes list at the next Task Force meeting. He suggested that after reviewing the technical changes, the Task Force could determine whether Amendment 10-related modifications concerning constitutional officers should be consolidated with the general technical changes or whether constitutional officers' items should stand alone as a separate ballot question, with technical changes forming an independent question. Chairman Kerbel noted the guiding principle that fewer ballot questions would be preferable for public clarity and understanding. He indicated this approach would also allow the Task Force to identify whether other substantive changes might fit into either category as discussions progressed.

**B. Proposed Amendments/Revisions to the Home Rule Charter as recommended by the Constitutional Offices**

Chairman Kerbel thanked Mr. Rosenthal and Mr. Montaldo for preparing the consolidated document containing all proposed changes for the Task Force's consideration.

Mr. Rosenthal clarified that the proposal represented a collaborative effort by all five constitutional officers, who had jointly reviewed and endorsed the presented language.

Mr. Rosenthal identified a typographical error in Section 1.01A(21), explaining that the strikethrough formatting should apply only to the double-bracketed phrase "and County officers," while the word "constitution" should remain intact.

**Section 1.01A(4)**

Chairman Kerbel indicated that based on discussions from the previous Task Force meeting, concerns had been raised about striking the phrase "provide traffic control" from Section 1.01A(4). He noted the Department of Transportation and Public Works (DTPW) was present to provide comment on the County's traffic engineering and traffic control functions.

Chairman Kerbel opened the floor to the Department of Public Works Administration to comment regarding the County's traffic engineering and traffic functions.

Mr. Phil Edwards reported that the department had conducted a comprehensive review of Florida Statutes, the charter, and the County Code. Based on this analysis, the department concluded that "traffic control" referred specifically to traffic infrastructure which included the design, planning, operation, and construction of traffic control devices such as signs, signals, and markings, all functions performed by County engineers.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Given these findings, Mr. Edwards recommended maintaining the current charter language, which granted the Board jurisdiction over these operations through the DTPW. He further clarified that was in contrast to traffic enforcement, the process of enforcing compliance with traffic control devices, which fell under the Sheriff's Office's jurisdiction.

Ms. Stephanie Daniels inquired whether specifying "traffic control infrastructure" would more effectively distinguish between the two functions and provide greater clarity.

In response, Chairman Kerbel initially suggested retaining "provide traffic control" in the charter while simply striking "and central crime investigation." He offered this as an alternative option for the Task Force's consideration.

Ms. Daniels stated she would prefer to remove or strike "and police protection" from the provision as well, given that the Task Force was already considering the removal of "central crime investigations." She argued for consistency in addressing both elements.

Chairman Kerbel sought clarification on Ms. Daniels' proposal, observing that "police protection" appeared earlier in the provision alongside "central records, training, communications, and police protection." He noted this clarification was essential to the full understanding of the precise language that would be modified by the suggested revision.

ACA Valdes reminded the Task Force that he remained available to provide legal opinions distinguishing between changes mandated by Amendment 10 and those representing discretionary policy decisions.

Chairman Kerbel asked ACA Valdes to categorize the proposed modifications to Section 1.01A(4) according to this framework.

ACA Valdes explained that based on discussions from the previous Task Force meeting, "traffic control" could encompass a broader definition beyond exclusively law enforcement functions, consistent with the department's recent clarification. He stated this language was not required to be removed under Amendment 10. In contrast, ACA Valdes confirmed that "central crime investigation" constituted a function performed by the Sheriff and would need to be addressed in the charter, as it was no longer a County function.

Regarding the provision's final portion concerning a "uniform system for fire and police protection," ACA Valdes referenced Section 1.01A(18) of the charter, which addressed the Board's authority to establish minimum standards within municipalities. He noted that while the County no longer operated its own Countywide police department, it retained the ability under its home rule charter to regulate or set minimum standards for municipal police departments. Consequently, ACA Valdes stated this language would not require complete deletion but rather

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

would be narrowed in scope to apply only to establishing minimum standards for municipal police departments, an authority that remained valid post-Amendment 10.

Chairman Kerbel questioned whether the phrase "and police protection" in the first line should be stricken to maintain consistency with Amendment 10.

ACA Valdes clarified that certain listed functions remained County responsibilities despite Amendment 10. He noted that communications for police protection, such as the 911 system, continued under County jurisdiction. Similarly, the County retained responsibility for providing facilities to the Sheriff, including central records and training facilities. While the County did not directly manage police records, it provided the infrastructure for accessing them and the physical facilities where these functions occurred. Based on this analysis, ACA Valdes advised that these provisions did not require deletion.

ACA Valdes explained that State law could evolve over time, while the charter required a general election to amend. He noted that provisions currently embedded in State law represented only a snapshot of requirements at that moment. Since State law could change but charter amendments demanded voter approval, maintaining flexibility in the charter language would allow the County to adapt to future statutory changes without requiring repeated charter revisions through the ballot process.

Discussions ensued among the Task Force members regarding the decision-making process and scope of review. Clarification was sought on whether the County would present alternative language options or if the Task Force intended to make immediate decisions on the provisions being considered. Additionally, questions were raised about whether the deliberations would be limited to the constitutional officers' proposed version alone, or if the Task Force would also hear and consider the County administration's position.

Chairman Kerbel stated his understanding from previous conversations was that the administration might not take specific positions on all provisions, but they could comment if they wished.

It was confirmed that the administration had relevant departments present to respond to specific suggested revisions. He explained that as suggested changes were presented, the administration would consult appropriate departments for feedback, and if departments felt edits needed to be reviewed or had supervisory concerns, they would present their positions to the Task Force.

Chairman Kerbel opened the floor to representatives from the Constitutional Officers to provide comment on the provision. However, no one from the Constitutional Officers came forward to speak on the matter.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Ms. Daniels inquired whether the reference to "police protection" in the language fell within the department's operational scope.

Discussion ensued regarding the phrase "provide traffic control and central crime investigation" and it was suggested that these functions were intended for police operations rather than County departments.

Ms. Escarra proposed specifying "traffic control infrastructure" to distinguish between the County's infrastructure responsibilities and law enforcement activities, noting that police involvement would be necessary during emergency situations.

Mr. Edwards explained that the department's principal objective was eliminating ambiguity between "traffic control" and "traffic enforcement," with enforcement clearly under the Sheriff's Office jurisdiction. He stated the department considered the existing language sufficiently clear and consistent with traffic control definitions established in Florida Statutes and County code. He emphasized that the department did not wish to alter its comprehensive approach to managing traffic infrastructure, which encompassed planning, design, implementation, construction, and regulation of traffic control devices including signs, signals, and markings.

Commissioner Moss proposed simplified language stating "provide traffic control but not enforce" as a potential resolution to the concerns raised.

Mr. Edwards confirmed that retaining "traffic control" as written would be acceptable to the department. He explained that the County Code contained multiple sections with detailed provisions defining traffic control more broadly to encompass how the department planned, designed, implemented, constructed, and regulated traffic infrastructure, including signs, signals, and traffic control devices. He emphasized that the department wished to preserve this established framework for managing traffic infrastructure operations.

Mr. Eikenberg moved that in Section 1.01A(4), working from the constitutional officers' joint proposal, the Task Force reinstate "provide traffic control" and strike "and central crime investigation."

Chairman Kerbel proffered a friendly amendment to add "provide traffic control but not enforcement" which was accepted by Mr. Eikenberg.

ACA Valdes clarified that enforcement could occur by entities other than law enforcement officers such as Fire Rescue personnel at the scene of a crash. He suggested that if clarification was desired, specifying "enforcement by law enforcement" would be more precise to distinguish it from the Sheriff's Office's law enforcement functions.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Mayor Dieguez questioned whether adding new language to the charter provision might confuse voters and asked ACA Valdes whether it would be better to retain the existing charter language rather than introduce additional text that could create ambiguity on the ballot.

Chairman Kerbel withdrew the friendly amendment and proposed instead to retain "provide traffic control" and strike "and central crime investigation."

Ms. Daniels noted that the final sentence of the paragraph also required consideration.

Chairman Kerbel explained the Task Force was addressing the provisions sequentially, but Ms. Daniels could make a motion on the entire section if preferred.

Ms. Daniels noted that the final sentence of the paragraph also required consideration.

Chairman Kerbel explained they were addressing the provisions sequentially. However, he indicated Ms. Daniels could make a motion addressing the entire Section 1.01A(4) if she preferred that approach.

Mayor Stephen Losner raised a concern about the language in the first sentence of Section 1.01A(4). He questioned whether the word "police" should be struck from the phrase "provide central records and training for police." He reasoned that if the County was providing central records and training for police, this might not accurately reflect the intended meaning, particularly given that the provision also addressed two separate systems of public records requests.

Mayor Losner explained that the City of Homestead police department maintained its own records due to their sensitive nature, and public records requests were handled directly through the police department rather than through the municipal clerk. Based on this operational structure, he suggested that maintaining constitutional separation would require striking "for police" from the first line of the provision.

Chairman Kerbel asked ACA Valdes to address this concern regarding central records and training.

ACA Valdes explained that under current State law, systems such as 911 remained a County responsibility, with the County required to designate a 911 coordinator in collaboration with the Sheriff. Consequently, communications for fire and police protection could continue as a County function under existing State law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

ACA Valdes clarified that the central question was whether Amendment 10 mandated this change and stated that while the Task Force had discretion to recommend striking this language, Amendment 10 did not require its removal.

Ms. Daniels asked for clarification about the specific wording in question.

ACA Valdes explained that under State law, the County retained responsibility for providing the physical facilities where these functions were conducted. He noted that the Sheriff and other constitutional officers lacked independent authority to lease property in their own names. As a result, the County remained obligated to provide facilities for constitutional officers' operations.

ACA Valdes further clarified that whether addressing central records facilities, communications and 911 buildings, or training facilities, all such infrastructure had to be provided by the County under existing legal requirements.

Chairman Kerbel asked whether adding the phrase "to the extent consistent with the constitution or State law" at the end of the provision would adequately address the concerns raised.

ACA Valdes responded that such language could be added, but noted that the charter was always interpreted in conjunction with constitutional and State law requirements. He explained that this represented an ongoing obligation the County currently maintained, meaning the additional clarifying language was not strictly necessary.

Commissioner Moss requested clarification on what "provide central records, training, and communications" actually entailed. He asked whether this referred to physical facilities and space, whether the County was responsible for providing actual training content, and whether the language provided adequate clarity.

ACA Valdes responded that the provision could encompass all of these elements, depending on how the County chose to manage these functions but at minimum, the County was required to provide the physical facilities for these operations. He noted that when these provisions were originally drafted, the County operated its own police departments, giving the County a broader operational role than it held under the current structure with the Sheriff's Office. However, the County retained responsibility for providing the facilities where records management, training, and communications activities took place.

Commissioner Moss asked if the County was responsible for providing training to police and fire personnel.

ACA Valdes clarified that fire training remained a County function, but police training was provided by the Sheriff.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Commissioner Moss asked for clarification on whether "communications for fire and police" referred specifically to the 911 system that the County oversaw.

ACA Valdes confirmed the 911 system could fall under that category, though he acknowledged there were likely other communication systems used exclusively by police that would not necessarily be operated or managed by the County except through contracts to manage them on behalf of the Sheriff's Office. He confirmed the 911 system in particular was a County responsibility and invited input from the Sheriff's Office.

Mr. Erik Morales stated that the Sheriff's Office shared a similar interpretation of the provision. He advised that the office opposed removing "police protection" because it could encompass providing central records locations and communications functions. Mr. Morales acknowledged that training was less clearly connected, but the Sheriff's Office concluded it should remain in the provision.

Ms. Daniels expressed confusion about the provision's structure. She noted that while the County Attorney explained the County could provide facilities for the Sheriff, the provision's final language already addressed this by stating the County shall provide fire stations, jails, and related facilities. She observed this was currently accomplished through Sheriff's Office police stations throughout the County. Ms. Daniels questioned the necessity of retaining "police protection" in the earlier part of the provision, though she acknowledged its inclusion if deemed necessary.

Ms. Escarra proposed an alternative approach: creating one dedicated sentence addressing all police-related matters, with remaining County functions addressed separately. She argued this structure would provide greater clarity and simplicity. Ms. Daniels expressed concern that terms like "police protection" and "training" could be misinterpreted as circumstances changed over time. Given the complex legal landscape with multiple attorneys potentially offering differing interpretations, she suggested a clearer organizational structure would better serve future readers of the charter.

Chairman Kerbel recommended making minimal changes to Section 1.01A(4), which addressed the County's powers and duties. He stated traffic control must remain in the charter because it described a necessary County function and explained this section enumerated County powers rather than mandatory duties.

Chairman Kerbel proposed three specific modifications to Section 1.01A(4). First, retain "provide traffic control" in the charter language. Second, strike "and central crime investigation" because this function fell under the Sheriff's constitutional authority. Third, retain "any police protection" but insert the word "municipal" before it.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel explained this approach would preserve County authority to establish Countywide standards for municipal police departments while properly recognizing the Sheriff's exclusive jurisdiction over central crime investigations.

Discussion ensued among the Task Force members regarding the proffered friendly amendment and Commissioner Moss' earlier suggestion to add language "but not enforcement," which had previously been accepted.

Chairman Kerbel withdrew his initial suggestion to add clarifying language such as "but not enforcement" to the charter's "provide traffic control" provision in Section 1.01A(4), and supported keeping "provide traffic control" in its original form while striking only "and central crime investigation," concluding that retaining familiar charter language with established interpretation was preferable to introducing new phrases that might complicate voter comprehension or create unintended legal ambiguities.

Commissioner Moss stated he was comfortable not including the enforcement language, but expressed concern that at some point in the future, disagreements might arise where parties would reference the charter with different interpretations. He emphasized that while he understood the desire to minimize changes, he believed clarifying the difference between the Sheriff's Office functions and County functions was important. Commissioner Moss commented that the County was navigating uncharted territory with constitutional officers now functioning as separate entities. He expressed concern that ambiguous charter provisions could lead to future litigation when different parties offered competing interpretations of the language.

Chairman Kerbel inquired whether adding the qualifier "but not law enforcement" after "traffic control" would create any complications for the provision.

Mr. Edwards responded that the department would prefer keeping the language as written. Addressing Commissioner Moss' concerns, he stated that DTPW would work with the Sheriff's Office as needed through interlocal agreements to address any jurisdictional issues.

Hearing no further questions or comments, Chairman Kerbel moved to: 1. Retain "provide traffic control,"; 2. Strike "and central crime investigation,"; and 3. Retain "any police protection" but insert "municipal" to read "municipal police protection." This motion was seconded by Mr. Eric Eikenberg and upon being put to a vote, the motion passed by a vote of 10-1 (Ms. Wakefield voted "no").

**Section 1.01A(19)**

Chairman Kerbel requested clarification as to whether the revised language would adequately address situations where State law changed. Specifically, he asked whether the provision would

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

permit the County Commission to exercise authority over functions if State law were to change in the future.

ACA Valdez confirmed that the proposed amendment to Section 1.01, Subsection 19 included language stating the Board would have no power to abolish or impair the jurisdiction of County constitutional officers "except as otherwise provided by the Constitution or by general law, except as set forth therein."

When asked whether this language would allow the County Commission to exercise authority over constitutional officers if State law changed in the future, ACA Valdez explained that if general law provided the Board with specific authority to regulate or direct certain powers and duties of County constitutional officers, that authority would be available to the Commission under the charter.

ACA Valdez clarified this provision was forward-looking and noted it would not only preserve any current statutory authority the Board had over constitutional officers in limited circumstances, but would also apply to any future State laws that might grant such authority.

Mr. Rosenthal emphasized that the proposed charter language also served to protect and preserve existing State law provisions that currently granted the Board limited authority over constitutional officers.

Mayor Losner moved to approve Section 19 as proposed to strike language about abolishing constitutional officers and add language about not impairing jurisdiction. This motion was seconded by Mr. Eikenberg, and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Section 1.01A(20)**

Referencing the proposed changes to strike "reports of all county officers"; Chairman Kerbel questioned whether commissioners and the mayor were also considered "County officers."

ACA Valdes confirmed that the term "County officer" was broader than just County constitutional officers and also included County commissioners, the mayor, and other individuals who acted on behalf of the County as officers but were not necessarily County employees.

Chairman Kerbel expressed concerns about the change being overly broad.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Mayor Dieguez moved to reject the proposed changes to Subsection 20. The motion was seconded by Mr. Eikenberg, and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Section 1.01A(21)**

The Task Force moved to consider Section 1.01A(21) noting the correction as previously stated by Mr. Rosenthal.

Commissioner Moss moved to accept the proposed changes. This was seconded by Ms. Escarra.

ACA Valdes noted that "County officers" in this subsection represented a broader definition than just County constitutional officers, which was something for the Task Force to consider.

Chairman Kerbel asked whether there were powers and privileges granted under State law to County commissioners or the County mayor that would be affected by removing the reference to "County officers" in this provision.

Assistant County Attorney Valdes responded that he could not identify any specific instances at that time.

ACA Valdes further noted that pursuant to Amendment 10, to the extent that duties and functions resided with county constitutional officers, there did not need to be a change in the charter to prohibit something Amendment 10 already prohibited. He explained these provisions could already be read as written in conformity with Amendment 10 because the power was not provided to the County commission under Amendment 10.

Chairman Kerbel inquired whether the proposed changes would be classified as consistent with Amendment 10 but not required, referencing ACA Valdes's framework for categorizing charter amendments.

ACA Valdes confirmed the assessment.

Mr. Rosenthal contended that the Florida Constitution defined "county officers" as the five constitutional officers, and retaining this language in Section 1.01A(21) without modification would incorrectly suggest the Board could exercise powers belonging to constitutional officers through the home rule charter. He explained that the constitutional officers sought this amendment to eliminate potential confusion and prevent future attempts whether through legislative action or litigation, to claim County authority over powers that Amendment 10 explicitly reserved to constitutional officers. While acknowledging that "county officers" might

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

refer to the mayor or commissioners, Mr. Rosenthal contended those individuals' duties were already encompassed by the term "counties" elsewhere in the paragraph. He concluded that leaving the provision unchanged would contradict Amendment 10's restrictions and create inconsistency with other charter revisions the Task Force was considering.

ACA Valdes responded that given the changes to subsection 19 as recommended, he did not necessarily think clarity was needed in subsection 21 as well, because there was already express language in subsection 19 stating "provided, however, there shall be no power to abolish the superintendent of public instruction or," with the revised language, "to abolish or impair the jurisdiction, responsibilities, powers or duties of the county constitutional officers."

Vice Chairman Redondo sought confirmation that subsection 19, which prohibited the Board from abolishing or impairing the jurisdiction, responsibilities, powers, or duties of county constitutional officers, already provided protection against any potential overreach that might be implied by the language in subsection 21.

ACA Valdes confirmed this was correct.

Chairman Kerbel asked whether it would be more appropriate to use "County Officers" with capital letters as a defined term versus "county officers" with lowercase letters.

ACA Valdes explained that officers were referenced elsewhere in the charter specifically as constitutional officers.

Mr. Rosenthal acknowledged that the charter was drafted before constitutional officers became separate entities, resulting in inconsistent capitalization of terms like "county officers." He disagreed with the County attorney's interpretation, arguing that subsections 19 and 21 served different functions. Subsection 19, he explained, prohibited the Board from impairing or abolishing constitutional officers' powers—essentially preventing the Board from interfering with constitutional officers' ability to perform their duties. Subsection 21, however, affirmatively granted the Board power to act independently, and under its current language, appeared to authorize the Board to exercise constitutional officers' powers directly. Mr. Rosenthal contended that subsection 19's protections did not fully constrain subsection 21's grant of authority, creating a problematic distinction between the two provisions. He concluded that retaining language suggesting the Board could exercise constitutional officers' powers would contradict the voters' intent in approving Amendment 10, which explicitly reserved those powers to the constitutional officers themselves.

Mr. Montaldo echoed Commissioner Moss's earlier point about the importance of providing clarity to constituents. He explained that the Clerk's Office regularly distributed copies of the home rule charter at meetings and events, and members of the public frequently referenced it

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

when dealing with initiative petitions and other matters. Mr. Montaldo noted that while he understood legal positions sometimes required technical precision, if the Task Force could reach consensus on clear language that was legally sound, that clarity would benefit the public. He emphasized that constitutional officers like the Supervisor of Elections (SOE) and the Clerk routinely fielded questions from constituents about charter provisions, and ambiguous language created complications and frustration for residents trying to understand their rights and county processes.

Ms. Wakefield suggested creating a dedicated subsection for constitutional officers to improve clarity for residents, noting that while the mayor and commission had clearly delineated sections, constitutional officers were scattered throughout the charter. She explained that a layperson trying to understand their property appraiser's or tax collector's authority would benefit from a consolidated section rather than piecing together information from multiple provisions.

Responding to Chairman Kerbel's question whether she envisioned adding a definitional provision at subsection 19, where constitutional officers were first mentioned, Ms. Wakefield clarified she did not have specific language prepared but emphasized that such a section, whether through restating or consolidating existing provisions, would help voters clearly understand how constitutional officers differed from other county officials.

Ms. Escarra suggested the constitutional officers' counsel return with proposed definitional language. She asked whether "county officers" was defined anywhere as a specific term and whether there was an appropriate location in the charter to define both "county officers" and "county constitutional officers" with proper capitalization. Ms. Escarra noted that since the Task Force was reviewing provisions section by section and would need to modify various provisions throughout the charter, he wanted to ensure all necessary changes were captured correctly.

ACA Valdes noted that Chairman Kerbel had identified Section 9.01, which previously outlined the history of abolishing county constitutional offices and clearly required revision or deletion. He suggested this section presented an opportunity to insert definitional language clarifying who the "County Constitutional Officers" were, allowing that term to be used consistently throughout the charter. This would distinguish County Constitutional Officers who were subject to and impacted by Amendment 10, from "county officers", a broader category that could include the Board of County Commissioners, the mayor, or other officials within county government.

Ms. Escarra moved that the County attorney's office come back with proposed language that clarified "county officer," and "County Constitutional Officer," with proper case usage (upper case versus lower case) for the Task Force to consider at the next meeting. This motion was seconded by Mr. Robert Fernandez and upon being put to a vote, passed 11-0.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

**Section 1.01A(21)**

Chairman Kerbel stated that once the Task Force received the definitional provision clearly distinguishing "county officers" from "County Constitutional Officers," they should revisit subsection 21 to determine whether any modification was necessary.

Mr. Rosenthal indicated he did not believe changes would be necessary at that point.

It was moved by Mayor Dieguez to table Article 21 until the next CRTF to determine if changes were needed. This motion was seconded by Commissioner Moss and upon being put to a vote, the motion passed by a vote of 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Section 1.05(C)**

Chairman Kerbel directed the Task Force's attention to Section 1.05 and the proposed deletion of subsection (C). He deferred to ACA Valdes to clarify the nature of the proposed change.

ACA Valdes explained that this provision regulated County employees seeking elected office. He noted that the section had been previously reviewed during the 2018 charter review process and that its retention remained at the Task Force's discretion as deletion was not mandated by Amendment 10. ACA Valdes advised that the provision was originally designed to identify specific offices (the Board, the Mayor, the Clerk, and the Property Appraiser) for which County employees would be prohibited from running without taking a leave of absence, as these offices fell under County jurisdiction at that time.

Chairman Kerbel observed that if the underlying policy was to prevent County employees or officials from running for any County-related position without taking a leave of absence, the Task Force could maintain consistency by adding "or County Constitutional Officers" to the list rather than deleting the provision entirely.

Ms. Stephanie Daniels stated she would support adding constitutional officers to this section, thereby extending the requirement that County employees take a leave of absence before running for any constitutional office.

Chairman Kerbel proposed removing the specific references to the Clerk and Property Appraiser while adding "County Constitutional Officers" to maintain broader applicability without specifying individual offices.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Ms. Daniels moved to approve Section 1.05(C) as amended—striking the specific references to Clerk and Property Appraiser, adding "or County Constitutional Officers," and removing the word "or" to properly connect the three listed positions. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

Chairman Kerbel noted a grammatical error pointed out by Vice Chairman Redondo and confirmed it would be corrected to make Section 1.05(C) clearer.

**Section 3.03**

ACA Valdes confirmed that the proposed changes to this section were required by Amendment 10.

Hearing no questions or comments from Task Force members, Commissioner Moss moved to approve the section as proposed. The motion was seconded by Vice Chairman Redondo, and upon being put to a vote, the motion passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Section 3.04**

Chairman Kerbel questioned whether Section 3.04(A) should be kept in the charter or if candidate qualification procedures should instead default to general law.

County Attorney Valdes explained that under the Home Rule Amendment of the Florida Constitution, Miami-Dade County had authority to establish its own election methods for County Commissioners, including distinctive features like nonpartisan elections. However, the central question that emerged during the discussion concerned which official would serve as the "qualifying officer" for candidates.

Chairman Kerbel inquired whether the change from Clerk of the Circuit Court to Supervisor of Election was governed by Amendment 10.

ACA Valdes explained that much of the work was performed by a SOE employee deputized by the Clerk.

Discussion ensued about the possibility of changing the language to read "Clerk of the Board."

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Mr. Rosenthal contended that Amendment 10 altered the legal framework governing this issue. He noted that Amendment 10's language, "notwithstanding the Home Rule Amendment", explicitly prohibited the transfer of duties assigned to the SOE under State law and advised that since State law designated the SOE as the qualifying officer for candidates, any charter provision assigning this duty to another officer, such as the Clerk of the Board, would violate Amendment 10.

Mr. Rosenthal cautioned that if the charter continued to designate the COCC as the qualifying officer, any candidate who qualified through the Clerk rather than the SOE could face legal challenges. He pointed out that an independent party could file a lawsuit arguing that such a candidate was not properly qualified and therefore ineligible to appear on the ballot, potentially voiding an election.

Commissioner Moss asked with the proposed changes was consistent with Amendment 10.

ACA Valdes noted that the "method of election" provision in the Home Rule Amendment had historically granted Miami-Dade County significant discretion. However, after considering the specific "notwithstanding" language in Amendment 10 referenced by Mr. Rosenthal, ACA Valdes acknowledged the complexity of the matter and indicated that while he believed the charter language needed to be changed to remove the reference to the Clerk of the Circuit Court, he wanted to conduct additional research on how Amendment 10's "notwithstanding" clause interacted with the Home Rule Amendment's method of election provision. ACA Valdes pointed out that this was particularly important because Miami-Dade County's unique election system—including nonpartisan primaries in August with November runoffs—depended on the authority granted by that provision.

Chairman Kerbel maintained that the charter required the removal of the reference to "Clerk of the Circuit Court" as it was not permitted by Amendment 10.

Mr. Montaldo stated in the event a petition for candidate qualification under the current charter language, which designated the Clerk of the Board as the qualifying officer, the office would promptly initiate a declaratory action with the court to seek clarification.

Discussion ensued as to whether the filing fee should be set by the charter or general law, the petition alternative to paying the fee (Section 3.04(B)), and whether the charter could mandate specific petition verification procedures for the SOE beyond state law.

Mr. Rosenthal clarified that while the charter could set parameters such as petition deadlines and qualification periods, it could not impose procedures on the SOE that conflicted with State law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Recognizing the legal complexity and the need for additional research, Mr. Eikenberg moved to table Section 3.04(A) until the next meeting. This motion was seconded by Commissioner Moss and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

Chairman Kerbel requested that when the item returned, the County Attorney provide clarifying language consistent with general law, particularly addressing whether the charter should state that candidates "shall qualify in accordance with the requirements of general law" rather than specifying a particular qualifying officer. Chairman Kerbel also asked for an analysis on whether the filing fee should be set at a specific amount in the charter or should instead follow general law provisions, and how the petition qualification alternative should be structured to remain consistent with the SOE statutory duties.

**Article 5**

Chairman Kerbel directed the Task Force's attention to Article 5 and the proposed deletion of Section 5.03, asking whether these changes were required by Amendment 10 due to the Comptroller function.

ACA Valdes confirmed that modifications were required and explained there were several ways to address the matter while preserving the Clerk's Comptroller functions. He noted that the Charter could require a budget department or Office of Management and Budget (OMB) as a charter-required department, while other departments could be created at the Mayor's discretion and funded by the Board, provided they did not impede on the Clerk's audit or Comptroller functions.

Chairman Kerbel asked whether the administration believed the Charter should require a specific office to address financial matters.

Ms. Demetria Henderson indicated that the administration was comfortable maintaining the Mayor's existing discretion to create or adjust departments as currently outlined in the Charter. She offered to provide an update at the next meeting.

Ms. Escarra noted that while Section 5.03 addressed financial administration another section already contained procedural provisions, suggesting potential redundancy.

In response to Commissioner Moss's question about whether financial matters would be solely at the Mayor's discretion, ACA Valdes clarified that the Florida Constitution and State law

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

designated the COCC custodian of county funds and county auditor. He explained that finance functions previously performed by the Finance Director were now performed by the Clerk.

Mr. Montaldo concurred with ACA Valdes and clarified an important distinction: the Clerk also served as accountant for the Board, a role with limited legal flexibility. He explained that State law and the Constitution had established firm requirements regarding these functions, particularly the Clerk's roles as custodian of County funds and accountant for the Board. Mr. Montaldo acknowledged that conflicts over constitutional powers would inevitably arise and be tested as part of the checks and balances system inherent in the separation of powers established by Article V of the Florida Constitution.

Ms. Barbara Galvez noted that the Constitution allowed for appointment of a Budget Officer and asked whether this was addressed in the Charter. She suggested that OMB could fall under Article 5's list of charter-required departments.

Commissioner Moss moved to table Article 5.03 to the next CRTF meeting. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Article 5.04**

ACA Valdes confirmed that the deletion of certain provisions was required by Amendment 10.

Regarding the proposed changes to Section B (the newly created "B"), ACA Valdes explained that state law allowed the County to collect certain taxes through the Regulatory and Economic Resources (RER) Department, while other taxes must be collected by the Tax Collector. He noted that the Charter's current language stating "all County and municipal taxes shall be collected by the Tax Collector in accordance with state law" was broader than Amendment 10 required, since State law permitted the County to collect some taxes directly.

Responding to Chairman Kerbel's request for examples of County-collected taxes, Mr. Lafarga confirmed that RER collected convention and tourism taxes. He explained that during the transition from the Tax Collector Department to the elected Office of the Tax Collector, the administration reviewed which taxes were currently collected by RER and which were mandated by State law to be collected by the Tax Collector. He noted that local business taxes were determined to be mandated for collection by the Tax Collector.

Mr. Gomez added that in addition to convention and tourism taxes, RER collected the food and beverage optional tax benefiting the homeless and domestic violence prevention under the same

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

statutory provision. He expressed partial agreement with the statute designating the Miami-Dade County Office of the Tax Collector as the "appropriate tax collector" and emphasized the need for contractual agreements between the Tax Collector and the County for certain duties. Mr. Gomez recommended adding the term "property taxes" to this Charter section for clarity.

Chairman Kerbel suggested limiting the language to "property taxes" and asked whether the revision should explicitly preserve the County's authority to collect certain taxes.

Mr. Gomez confirmed there was no preference from the Tax Collector's Office on this point.

ACA Valdes clarified that "county and municipal taxes" in this context referred to ad valorem taxes collected on behalf of cities or municipalities. He explained that without this clarity, the deletions could create ambiguity regarding taxes the County collected independently. ACA Valdes recommended revising the language to state "all county and municipal ad valorem taxes shall be collected by the Tax Collector" to satisfy Amendment 10's requirements.

Chairman Kerbel asked whether the "ad valorem" qualifier should be added to other sections referencing delinquent municipal taxes and tax revenues collected.

ACA Valdes recommended consulting with the administration, Budget Office, or Tax Collector's Office before making such changes.

Mr. Gomez noted there were additional taxes addressed in the County Code and requested specificity regarding the Tax Collector's responsibilities under the Charter, emphasizing that state law was already clear. He indicated no objection to narrowing the Charter's scope if needed.

Ms. Escarra suggested adding language such as "unless such tax may be collected by the County and the municipality by general law" to avoid unintentionally conflicting with general law by being overly specific.

Chairman Kerbel proposed the following revised language: "All county and municipal ad valorem taxes are collected by the Tax Collector in accordance with state law," ending the sentence there and deleting the remainder. He suggested that other tax collections would be governed by general law.

Chairman Kerbel confirmed with Mr. Gomez that the provision stating the tax year began January 1st would remain.

In response to Mayor Losner's suggestion to add "personal property tax," Mr. Gomez clarified that this was unnecessary because personal property tax was an ad valorem tax and therefore already covered by the revised language.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Vice Chairman Redondo moved to approve Section 5.04 as amended. This motion was seconded by Mr. Eikenberg, and up on being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Article 6**

Chairman Kerbel noted that a separate meeting would be dedicated to discussing municipalities, annexations, and incorporation, and suggested creating a separate charter section for these topics. He observed that the proposed changes to Article 6 regarding municipal boundaries appeared to be required by Amendment 10, with the exception of paragraph 7.

Mr. Montaldo identified a typographical error in Section 6.05(B)(1), noting that the phrase "if the Clerk" at the beginning of the last sentence should read "if the County" to maintain consistency with other approved changes.

ACA Valdes reviewed the proposed changes to Section 6.03 concerning election timeframes and noted the original language stated "or at such other time that the SOE provide for such election." He explained that this language was broader than required by Amendment 10 or State law and clarified that a County Commission or municipal governing body could not call a special election until notice was given to the SOE and consent was obtained regarding a date when registration books were available. ACA Valdes distinguished this requirement from the proposed language, noting that "or at such time as the supervisor provides" implied greater discretion than simply confirming whether registration books and equipment were actually available.

Chairman Kerbel proposed clarifying the language to read "or at such other time the Supervisor of Elections confirms is available for such election."

ACA Valdes agreed this language would be consistent with Florida Statute.

Mr. Rosenthal supported the proposed language but explained it was drafted broadly to prevent situations where election resources might be unavailable during the charter-specified timeframe. He illustrated a scenario where a municipality had completed extensive preparatory work to place an item on the ballot, only to find the SOE unavailable to conduct the election within the charter's required timeframe. Without flexible language allowing an alternate date, he argued, the election might never occur. Mr. Rosenthal explained that the proposed language would allow the supervisor to propose an alternate date if the charter-specified timeframe proved infeasible, preventing the municipal incorporation process from being entirely derailed by scheduling constraints.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel expressed confusion about why the SOE could not simply confirm availability for a date three days outside the specified window.

Mr. Rosenthal provided a detailed example: Section 6.03 required elections to be held between 60 and 120 days after certain triggering events. However, if redistricting or re-precincting occurred due to reapportionment during that 60-120 day period, all election equipment would be offline, making it impossible to conduct the election. Under restrictive language requiring only "confirmation of availability," if the supervisor could not confirm availability during the 60-120 day window, one could argue the election would never occur. His proposed language—"or at such other time as the supervisor confirms availability for such election"—would allow the election to proceed outside the specified window when circumstances prevented holding it within the required timeframe.

Following extensive discussion, Chairman Kerbel agreed with Mr. Rosenthal's proposed language: "or at such other time as the Supervisor confirms availability for such election."

Mr. Rosenthal emphasized this language was necessary when availability could not be confirmed during the charter-specified window.

ACA Valdes confirmed the language was consistent with State law, and Chairman Kerbel clarified the conforming changes should be made.

Commissioner Moss expressed concern about elections being postponed due to unforeseen scheduling issues.

ACA Valdes explained that State law prevented the County Commission from calling an election until confirmation of availability was received. He suggested adding language specifying "at the earliest possible time" to prevent delays beyond statutory timelines. He noted that prior to Amendment 10, this was less problematic because the SOE was a county department that could be directed by the County Commission. With the Supervisor now an independent constitutional officer, the confirmation requirement created potential for delay.

ACA Valdes proposed adding language such as "at the earliest possible time that the SOE confirms availability for such election" to ensure elections occurred as close to the charter-specified timeframe as possible while accommodating legitimate resource constraints.

Mr. Rosenthal acknowledged Commissioner Moss's concern and clarified that the SOE could not arbitrarily declare that resources were never available, as doing so would constitute a violation of state law. He noted that concerns about procedural fairness and proper resource allocation could apply in multiple contexts, referencing the upcoming discussion of Article 9 provisions regarding constitutional officers' ability to place items before the Commission.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Chairman Kerbel confirmed the motion was to accept all proposed changes through paragraph 6, excluding paragraph 7 which would be discussed separately.

Mr. Fernandez moved to adopt the alternative language for the election scheduling as proposed with the new language. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

**Article 6 - Paragraph 7**

Chairman Kerbel directed the Task Force's attention to paragraph 7, explaining that this provision required separate discussion due to its unique implications following the transition of law enforcement functions. He noted the existing charter language required new municipalities to contract with the County for local police patrol services for a minimum of three years. Chairman Kerbel advised that the proposed change would update this requirement to mandate contracting with the "Sheriff" instead.

Ms. Daniels explained that this requirement had long been standard practice, ensuring new municipalities had access to police services through the Sheriff's Office while they worked to establish their own departments.

In response to Commissioner Moss's question about the timeline for establishing an independent police department, Ms. Daniels clarified that the process often took a minimum of three years and that separating from Sheriff's Office services was very expensive if a municipality later chose that path.

Ms. Daniels moved to approve the proposed change, updating the language from "Miami-Dade County" to "Sheriff." Commissioner Moss seconded the motion, and upon being put to a vote, passed 11-0 (Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

ACA Valdes recommended that for stylistic consistency, the charter should use the official term "Miami-Dade County Sheriff's Office" rather than simply "Sheriff" throughout the document.

Chairman Kerbel concurred and directed that the standardized terminology be applied consistently throughout the charter's constitutional officers sections.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

**Article 8**

Chairman Kerbel directed the Task Force's attention to Article 8, noting it required the same availability confirmation language as discussed in Article 6.

Ms. Escarra indicated that if Task Force members had no comments on Sections 8.01 and 8.02, she would move to adopt both sections with the amended language for consistency throughout the charter.

Mayor Losner raised a separate issue regarding recall petition requirements in Section 8.02. He noted that the current charter required petitions to contain signatures from 8% of registered voters Countywide. He pointed out that given the County's single-member commission districts, this 8% countywide threshold could potentially exceed the total number of registered voters in a given district, effectively precluding district-level recalls. Mayor Losner suggested modifying the requirement to apply the percentage on a district level, such as 10% of registered voters within the district to which the recall applied, while maintaining the 8% Countywide standard for mayoral recalls.

Chairman Kerbel acknowledged Mayor Losner's suggestion but indicated that discussion regarding restructuring County government provisions, including recall thresholds, would be held at a future meeting dedicated to that topic.

Ms. Escarra moved to approve Sections 8.01 and 8.02 with the amended "confirmation of availability" language applied consistently throughout the charter. Mr. Granado seconded the motion and upon being put to a vote, passed 10-0 (Ms. Stephanie Daniels, Mr. Jose Jimenez, Mayor Andre D. Pierre, Mayor Crystal Wager, and Senator Alexis Calatayud were absent).

ACA Valdes confirmed that Section 8.02 included the deletion of the Property Appraiser from the recall provision, as required by Amendment 10.

**Article 9**

Chairman Kerbel directed the Task Force's attention to Article 9, noting that Section A appeared straightforward, as did Section C based on prior discussions. He indicated that Section B was where substantive action would occur.

Commissioner Moss stated he had researched comparable provisions in other jurisdictions and could not find any major county or city that allowed constitutional officers the authority proposed in Section B. He noted that his research revealed no other major jurisdictions

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

permitting constitutional officers to place items directly on their legislative body's agenda. He emphasized that at the State level, the legislature controlled its own agenda, meetings, and legislation, with constitutional officers working collaboratively without charter mandates requiring access. Commissioner Moss asserted that the County commission, as the County's legislative body, should maintain control over its proceedings and agenda and moved to strike Section B while accepting Sections A and C.

Mr. Eikenberg requested clarification regarding the need to include Section B.

Mr. Rosenthal responded that the provision was designed to address concerns about potential actions by future boards rather than current practices. He clarified that the central question was whether Miami-Dade County, as Florida's largest county, should ensure constitutional officers could access the Board when State law required Board cooperation to fulfill their statutory duties. Mr. Rosenthal illustrated potential problems through scenarios where procedural delays, such as a commissioner's hold on an item or a future Commission Chair declined to schedule time-sensitive matters like automatic homestead exemption renewals which could adversely affect taxpayers and property owners Countywide. Mr. Rosenthal explained the proposal had two components, the first being the right to be heard before the Board, and the second, the ability to request agenda placement at the next meeting when State law mandated Board action. While acknowledging the second element was more expansive, he argued both were essential to protecting taxpayers' interests and ensuring constitutional officers could fulfill their state-mandated responsibilities.

Mr. Montaldo highlighted the transfer of financial functions from County administration to the Clerk as a constitutional officer under Amendment 10. He explained that given the size and volume of funds the County handled daily, if a critical financial matter arose and could not be addressed immediately by the Board, particularly under future boards, any gamesmanship or delay could prejudice the financial integrity of the County and harm taxpayers. He urged the Task Force to consider that leaving the matter ambiguous could create emergencies detrimental to the County's constituents.

Ms. Barbara Galvez explained that situations arise requiring the Clerk to provide reporting information to the Board regarding County financial stability, budgetary impacts, or procurement matters affecting departmental budgets. She noted that while the Clerk could distribute written memos to all Board members, there was no guarantee that commissioners or appropriate staff would review them promptly. This uncertainty was why the Clerk sought the ability to formally place such reports on the Board's agenda.

In response to Chairman Kerbel's comments that the language extended past placing reports on an agenda but also spoke to creating legislative action items, Ms. Galvez clarified that the COCC

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

primary focus was being provided the opportunity to provide relevant reports on the agenda and not about changing legislation.

Mr. Gomez explained that State law required the Board to act annually on behalf of the Tax Collector. Due to Miami-Dade County's size and the substantial number of property valuation appeals before the Value Adjustment Board (VAB), the final certified tax roll frequently was not available to the Tax Collector for collection purposes until the following calendar year. He noted the Tax Collector's Office had historically appeared before the Board requesting authorization to extend the tax roll for collection pending VAB completion. Mr. Gomez emphasized this was a concrete example of why constitutional officers needed the ability to bring matters requiring Board action to the Board's attention when State law mandated Commission action for the exercise of constitutional officers' responsibilities, powers, and duties.

Chairman Kerbel questioned whether such procedures could be established through ordinance rather than charter amendment, noting that the Commission could adopt ordinances addressing these process issues if it chose to do so.

Vice Chairman Redondo provided perspective from his experience in the Florida Legislature. He noted that at the State level, cabinet officials including the Chief Financial Officer, Attorney General, and Governor could not compel the legislature to consider specific legislation. He explained that State agencies typically worked collaboratively with the legislature, with departments like the Department of Transportation, Department of Education, and Department of Children and Families requesting legislative packages annually that legislators may choose to sponsor. He observed that when disagreements arose at the State level, they were often resolved through the political process and elections. He noted that constitutionally, the Florida Legislature was only required to pass the budget every two years. While not endorsing this as the ideal approach, he suggested it represented a different model of separation of powers.

Chairman Kerbel noted that Broward County's charter provision allowing any person the right to be heard at commission meetings might address the first sentence of the proposed language regarding constitutional officers' ability to be heard, since constitutional officers could theoretically appear as members of the public; and asked whether the County's current rules limited public comment to items already on the agenda.

ACA Valdes confirmed that the charter contained a Citizens' Bill of Rights providing any member of the public the ability to be heard.

Chairman Kerbel opined there might be a distinction between general public comment (reasonable opportunity to speak), which was limited to items on the agenda, and what the proposed language would provide.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Commissioner Moss reiterated his position that the County Commission functioned as the legislative body of the County, maintaining control over its own agenda and determining what matters are considered. He emphasized that at the State level, the legislature controls its agenda, meetings, and legislation, with other governmental entities having separate defined responsibilities. Commissioner Moss noted the strong cooperation between the current Board and constitutional officers, with the current chair recognizing them and allowing them to address issues of concern. He stated he did not anticipate this cooperative relationship changing and expressed confidence in its continuation. He articulated his view that County Commissions should maintain control over their own legislative processes and expressed concern that the provision may face challenges. He characterized Section B as having potential to create unintended complications.

Mr. Rosenthal responded that the State legislature might not provide an appropriate analogy because separation of powers operated differently at State and local levels. He noted that under the County's charter, the County Commission was designated as the "legislative governing body," not merely the "legislative body." He explained that at the State level, when the legislature establishes governing functions, it frequently imposed requirements on the executive branch to act within specified timeframes and to consider petitions and requests mandated by law. He clarified that the constitutional officers' request did not concern legislative functions such as adopting ordinances, but rather governing functions. Specifically, the request addressed matters the governing body must consider when State law required action by constitutional officers to fulfill their duties. He argued this involved governing authority rather than legislative authority, making the State legislature comparison unsuitable. He concluded by acknowledging that the current commission had been exceptional in providing access to constitutional officers, but emphasized that the proposed charter language would provide protection for future boards and future circumstances.

Commissioner Moss moved to strike Section B and to keep Sections A and C. This motion was seconded by Rebecca Wakefield.

Mr. Eric Eikenberg deferred to the Attorneys' to clarify the urgency of this section.

Mr. Rosenthal explained with the mass diversities within the State of Florida a provision was needed to allow the Board of County Commissioners (BCC) the authority to release holds to present time sensitive items to the BCC for consideration to prevent delays with progressing pertinent items in a timely fashion to best serve tax payers of Miami-Dade County. Counsel Rosenthal explained in essence this section dealt with reasonable opportunity for the right to be heard and the opportunity to request an item be placed on the next Board meeting agenda only when the State law requires.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

Commissioner Moss to accept sections A and C, but to reject section B. This motion was seconded by Ms. Wakefield and upon being put to a vote, the motion passed a vote of 9-1.

**Sections 9.01 and 9.07-9.11**

ACA Valdes sought clarification regarding proposed changes to Section 9.01, noting that the provisions currently written in present tense would need to be either rewritten in past tense for historical context or deleted entirely. He suggested the Task Force could add explanatory language providing historical context about Amendment 10, or alternatively delete the section.

Chairman Kerbel recommended deletion, indicating the historical language could be addressed when the item returned to the Task Force.

Chairman Kerbel directed members' attention to Section 9.07 and noted that Section 8.01(1), which had not been discussed during the meeting, referenced the Clerk of the Circuit Court receiving proposed ballot language. He observed this provision should be revised to reflect "Clerk of the Board" since the County Commission could assign duties to the Clerk in that capacity, and the change related to charter amendment procedures in Section 9.07.

ACA Valdes confirmed that Section 8.01(1) had not been included in the constitutional officers' proposed changes. He noted other charter provisions also referenced the Clerk of the Circuit Court and suggested making conforming changes throughout the charter to refer to "Clerk of the Board" where appropriate for consistency.

Mr. Montaldo clarified that the Florida Constitution designated the Clerk of the Court as ex-officio Clerk of the Board, and these provisions functioned together.

Chairman Kerbel emphasized the importance of ensuring the charter did not assign duties to offices unauthorized to perform those functions and advised that Section 8.01(1) language would be addressed at a future meeting.

Chairman Kerbel asked whether Task Force members had questions concerning Sections 9.07 through 9.11.

Regarding Sections 9.10 and 9.11, Commissioner Moss posed a hypothetical scenario asking whether the Mayor could request the Clerk take action on a problematic contract under the Clerk and Comptroller's exclusive auditing authority specified in State law.

ACA Valdes confirmed that the Mayor could request the Clerk's assistance as County auditor to perform those functions.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

ACA Valdes raised concern about proposed language stating the Clerk had "exclusive authority to perform audits as set forth in State law." He clarified this should specify "exclusive authority to perform internal audits," as State law under Section 125.01 permitted the County to hire independent auditors. He asked whether the provision needed clarification to preserve the County's ability to retain independent auditors.

Responding to Chairman Kerbel's question as to whether the statement was required, ACA Valdes replied it was not.

Ms. Escarra suggested the County Attorney's Office provide guidance on simplifying the language in Section 9.10.

Commissioner Moss moved to table Sections 9.09 through 9.11 pending further clarification on auditing authority.

Mr. Montaldo stated the Clerk's Office had no objection to clarifying the language and explained that auditor positions were established prior to Amendment 10. He acknowledged the complexity of different auditor roles but emphasized that State statute now prohibited duplication of functions with financial penalties attached. He stressed the importance of the Task Force and County eliminating any duplicate functions to avoid such penalties.

Commissioner Moss asked how the Clerk's Office was currently managing these issues following Amendment 10's implementation.

Mr. Montaldo responded that the Clerk relied on constitutional and statutory requirements, which case law had established clearly. He explained the Clerk considered input from the Board, administration, and public regarding areas requiring audit attention, noting there had been instances, such as the insurance trust fund audit, where public requests prompted full-scale audits.

Ms. Escarra expressed confusion about the various auditing roles and suggested spelling out distinct functions clearly to prevent duplication, noting the overlap was difficult to understand even for someone accustomed to reviewing complex documents.

Chairman Kerbel agreed and suggested tabling the auditing sections for discussion at the beginning of the next meeting along with revisions to Section 9.01.

ACA Valdes explained that the proposed language raised State law issues rather than solely Amendment 10 concerns. He noted that recent State law prohibited counties from duplicating services exclusively provided to constitutional officers. He explained "audit" could mean different things from internal compliance reviews of county procedures to full financial audits

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
AUGUST 25, 2025**

conducted by CPAs or accounting firms. ACA Valdes noted the county auditor function, commission auditor, and inspector general each performed different types of audits. He suggested the administration reach out to the relevant offices to clarify the distinctions and recommended the Task Force address several questions at the next meeting: defining what constituted an audit, distinguishing auditing roles among the various entities, identifying which audits fell under the county auditor's function, and determining which types of audits (financial, operational, or compliance) the county could still perform.

Sections 9.09 through 9.11 were tabled for the next CRTF meeting.

**A. Staff Updates**

Chairman Kerbel announced staff updates from today would be covered at the next meeting

**B. Future Meeting Planning**

Discussion ensued between Ms. Henderson and Chairman Kerbel regarding the approved meeting schedule. frequency and topics.

Chairman Kerbel outlined the agenda for upcoming meetings, noting that the next two sessions would address county government structure, providing an appropriate forum for Mayor Losner's discussion. He explained that each meeting would begin with staff updates and presentation of technical changes from prior sessions. Given the exploratory nature of governmental structure discussions, Chairman Kerbel indicated the proceedings would be more free-flowing, requiring Task Force members to collaborate in developing specific language and policy recommendations. He encouraged members to submit proposed language or discussion topics to staff for compilation and distribution to the Task Force in advance of meetings.

**C. Future Meeting Dates**

After discussion of available dates, the Task Force scheduled meetings for September 5th at 1:00 p.m. and September 17th at 1:00 p.m., both to be held in the Commission Chambers.

**VII Adjournment**

There being no further business to come before the Charter Review Task Force (CRTF), the meeting was adjourned at 1:12 p.m.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its fourth meeting at the Stephen P Clark Building, 2<sup>nd</sup> floor Commission Chamber: 111 NW 1st St, Miami, FL 33128, on September 5<sup>th</sup>, 2025 at 1:19 p.m.

## **I. Roll Call**

In attendance were the following Task Force members:

- City of Miami Lakes Mayor Joshua Dieguez;
- Ms. Stephanie V. Daniels;
- Mr. Eric Eikenberg;
- Mr. Robert H. Fernandez;
- City of Aventura Mayor Steven D. Losner;
- Former Miami-Dade County Commissioner Dennis Moss;
- Ms. Rebecca Wakefield;
- Vice Chairman Michael Redondo (State Representative for House District 20); and
- Chairman Dennis Kerbel.

The following Task Force members attended via Zoom:

- Senator Alexis Calatayud; and
- Former City of North Miami Mayor Andre D. Pierre.

Ms. Iris Escarra arrived at 1:36p.m.

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

- Assistant County Attorney (ACA) Michael Valdes;
- Mr. Felix Jimenez, Inspector General, Office of Inspector General (OIG)
- Ms. Marie Perikles, General Counsel, OIG,
- Mr. Yinka Majekodunmi, Commission Auditor, Miami-Dade Office of Commission Auditor (OIC)
- Dr. Carladenise Edwards, Chief Administrative Officer, Office of the Mayor;
- Ms. Ofelia Tamayo, Director, Internal Compliance Department (ICD);
- Mr. Oren Rosenthal, Attorney, Supervisor of Elections (SOE);
- Mr. Luis Montaldo, General Counsel, Clerk of the Court and Comptroller (COCC); and
- Mr. Chester Rodriguez, Deputy Clerk, Clerk of the Board (COB).

## **II. Pledge of Allegiance**

Commissioner Dennis Moss led the Pledge of Allegiance.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

**III. Reasonable Opportunity for the Public to be Heard**

Chairman Dennis Kerbel opened the reasonable opportunity to be heard, and seeing no one come forward to speak, the reasonable opportunity to be heard was closed.

**IV. Carry Over Discussion – Amendments relating to Constitutional Officers**

Chairman Kerbel stated that the carryover items from the last meeting concerned constitutional officers, and since representatives from the administration were present, the discussion would address what to do with the financial administration section of the charter and how to separate audit functions that remained with the COCC from other types of investigations and inspections performed by various offices.

**A. Office of Inspector General**

Mr. Felix Jimenez provided an overview of the Office of the Inspector General (OIG). He noted the OIG was created on December 16, 1997, by the Board of County Commissioners (Board) to serve as a watchdog over County practices with a mission to detect, investigate, and prevent waste, fraud, mismanagement, misconduct, and abuse of power through independent oversight of county affairs. Mr. Jimenez reported in November 2020, voters supported a charter amendment to establish an independent OIG in the charter. He advised that the office operated autonomously and independently to ensure no interference or influence from external sources.

Mr. Jimenez pointed out that Section 2-1076 of the County Code, based on delegation of powers by the Board, granted the OIG authority to conduct investigations of County affairs, audit and inspect County programs, accounts, records, contracts and transactions, conduct reviews and require reports from County officials and employees. He stated that there were different practices with different oversight entities that were not duplicative efforts but rather oversight that made government function better.

Ms. Marie Perikles explained that the OIG's audit authority did not overlap or duplicate the duties of the COCC/Clerk. She acknowledged that the Clerk was, under provisions of the State constitution and State law, the ex officio auditor of the Board; the recorder and the custodian of all County funds. Ms. Perikles stated that while Florida Statutes provided that local governments may not create or fund any office exercising powers allocated exclusively by the State constitution or general law to constitutional officers, the Clerk's authority to conduct audits was not exclusive.

Ms. Perikles explained that the Clerk's duties as controller and auditor were entirely statutory under Section 129.025 of Florida Statutes and noted the Clerk as auditor was responsible for ensuring that payments of County funds were authorized expenditures. She advised that the statutes prescribing the Clerk's responsibilities did not define the audit function and stated that

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Florida courts had interpreted that the authority allowed clerks to conduct pre and post audits of County expenditures to ensure County funds were spent in accordance with law. Ms. Perikles referenced an Attorney General opinion stating that unless specifically defined, audit was variously defined and could include mathematical examination of processes, investigations, weighing of evidence, and determining whether entries were correct.

Ms. Perikles stated that Section 125.01 of Florida Statutes granted the County Commission power to investigate County affairs and inquire into accounts, revenues, and transactions of County departments, offices, and officers, which essentially empowered them to conduct audits. She further noted that Section 218.33 of Florida Statutes allowed local government entities to establish and maintain internal controls to prevent and detect fraud, waste, and abuse, promote compliance with laws and contracts, and support efficient operations. Ms. Perikles cited *State v. Weeks*, which held that the name given to a statutory officer was immaterial if the authority conferred did not conflict with constitutional authority. She argued that the statutory authority of counties to audit records and establish internal controls did not constitute exclusive authority delegated to the Clerk and that these county powers did not diminish or supplant the statutory duties of the Clerk. Ms. Perikles referenced an Attorney General opinion stating that the Clerk as *ex officio* auditor provided a check and balance system to ensure proper expenditure of public funds.

Ms. Perikles stated that the statutes granting the Clerk audit authority and charter provisions granting the OIG audit authority should be read together to preserve the force of both. The OIG's audit function is supplementary and does not supplant the Clerk's functions. The OIG does not issue financial audits, does not audit county funds financially, and does not conduct pre and post audits of expenditures. The OIG's function is different. Their audits are almost always initiated through complaints, investigations, or oversight assignments where something needs examination from a different perspective.

Chairman Kerbel stated that the CRTF's charge was to determine what to do with terms currently in the charter. He noted that the Inspector General provision specifically referenced audits, and the drafts proposed by constitutional officers would strike the word audit and include a provision stating that the COCC shall have exclusive authority to perform audits as set forth in State law. Chairman Kerbel asked what proposed changes to the language could be made to reflect that the OIG's function was supplemental.

Ms. Perikles recommended that the word audit not be removed because the OIG conducted different types of audits than the Clerk. She stated that as a matter of public policy and common sense, the County commission and County must have ability to review internal processes in more than one way and reiterated that the Clerk was charged with certain specific types of audits, including pre and post audits. Ms. Perikles noted that the OIG assessed performance, compliance, internal controls, and whether proposed legislation would be beneficial to the

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

County and maintained that the language was encompassing and there was room for both offices to conduct audits.

Mr. Eikenberg inquired about the purpose of the discussion given that the independent OIG office was established by charter amendment in 2020.

Chairman Kerbel explained that the purpose was to determine the statutory exclusive authority of the Clerk and ensure that no other office was assigned authority that duplicated those exclusive duties.

ACA Michael Valdes explained that the State legislature passed a statute indicating that if any duty or responsibility was assigned to a constitutional officer, the County could not fund an office that duplicated that duty or responsibility. He further advised that the COCC had requested that the charter implement language to ensure duties were not duplicated, and the discussion was intended to determine what position the respective entities had regarding this issue.

Chairman Kerbel asked ACA Valdes for his opinion on whether the OIG was stepping into an exclusive duty of the Clerk.

ACA Valdes stated that based on the broad definition of audit, it was difficult to determine conclusively. He referenced *Alachua County v. Powers* (1977), in which the Florida Supreme Court held that Alachua County could not create an independent county auditing department because the Clerk was designated as the county auditor. ACA Valdes opined that the Clerk was not the only entity allowed to conduct audits, though the 1977 case created ambiguity about whether an in-house County department could perform audit functions.

Chairman Kerbel inquired whether it would be consistent with previous discussion to insert language stating "to the extent not inconsistent with general law" instead of striking the word audit.

ACA Valdes confirmed this approach would address the statute concerning duplication of services by constitutional officers.

Chairman Kerbel asked whether constitutional language or statute had prompted the charter discussion.

ACA Valdes clarified that both constitutional and statutory elements were involved in the auditing issue.

Ms. Perikles informed the CRTF that the Clerk entered into an interlocal agreement with Miami-Dade County on January 7, 2025 and noted one section of the agreement stated that several other departments did not duplicate the Clerk's duties. She agreed with the proposed amendment to add qualifying language rather than strike the word audit, stating it would allow for different types of audits and functions. Ms. Perikles provided examples of other Florida counties where both the

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

OIG and Clerk performed different audit functions and emphasized that conducting audits was not an exclusive duty of the Clerk.

Commissioner Moss inquired about the duration of the interlocal agreement.

Ms. Perikles responded that the agreement was for three years.

Commissioner Moss suggested that the charter could include language regarding the County's ability to enter into interlocal agreements.

Chairman Kerbel asked whether the County could enter into an interlocal agreement with a constitutional office through the OIG.

ACA Valdes stated that such an agreement would be permitted under the proposed language already adopted by the Board.

Ms. Wakefield questioned how the charter could affect the scope of the OIG's duties.

Ms. Perikles explained that the OIG would retain ability to conduct investigations, but eliminating the word audit would create issues in their oversight work.

Ms. Escarra asked for clarification on the practical aspects of auditing regarding multiple requests from different departments.

Ms. Perikles clarified that the OIG had not duplicated audits from other departments and had maintained open lines of communication with the Department of Audit and Management and the Commission Auditor to ensure services were not duplicated. She explained that the offices performed different functions and initiated audits from different sources. Ms. Perikles stated that if the commission requested work from the OIG, the office would contact colleagues to avoid duplication, as the OIG had a duty as an independent oversight agency not to perpetuate inefficiencies.

Chairman Kerbel reiterated the OIG's independent authority to conduct audits.

Ms. Perikles confirmed that the OIG had independent authority and could self-initiate audits. She stated that the OIG was complaint-driven and received complaints from citizens, referrals from department directors, and requests from the commission and the mayor's office.

Ms. Escarra questioned whether the same complaint-driven process applied to the Clerk's office.

Ms. Perikles stated that she could not speak for the Clerk's office but confirmed that the OIG accepted information and complaints for reviews and investigations. She stated that she did not believe the Clerk had the same complaint-driven process and that the Clerk was bound by statutory duties to ensure that payments of County funds were made correctly.

Mr. Montaldo confirmed that the Clerk was allowed to receive constituent complaints. He explained that prior to Amendment 10, the Clerk had always been the auditor and audits were

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

performed by deputy clerks, with the audit section under the finance director at that time. Mr. Montaldo provided an example of an audit of the self-insurance fund that was initiated by a constituent complaint to former Clerk Harvey Ruvin, who ordered an independent audit at the constituent's request.

Chairman Kerbel asked whether the Clerk retained that authority, and Mr. Montaldo confirmed that the Clerk does retain that authority.

Mr. Redondo asked whether adding language referencing general law for auditing would address Ms. Perikles's concerns regarding the OIG's auditing functions.

Ms. Perikles confirmed that such language would address her concerns.

**B. Office of the Commission Auditor**

Chairman Kerbel asked the Commission Auditor whether he wished to add anything to the OIG's concerns.

Mr. Yinka Majekodunmi stated that Ms. Perikles had expressed the concerns clearly. He provided an overview of the Office of the Commission Auditor (OCA), which was established in 2002 by voters of Miami-Dade County after approval of a Home Rule Charter amendment. Mr. Majekodunmi stated the office was created to conduct financial and legislative research and analysis to assist the Board in their decision-making process by ensuring governmental accountability, transparency, and best use of public funds and noted that the Commission Auditor's duties included reporting to the Board on county departments and external agency operations to assess whether fiscal and legislative policy directives of the commission were being efficiently and effectively implemented.

Mr. Majekodunmi clarified that the word "audit" as a verb was important to any oversight function and was not exclusive to any organization. He stated that striking the word "audit" would create challenges by becoming restrictive in areas where oversight work needed to operate throughout the County, not just in one office. He explained that the OCA did not duplicate services or operations and had a clear understanding of their work scope. Mr. Majekodunmi pointed out that the OCA differed from the OIG in how they received requests, as most of the OCA's requests came from the Board. Mr. Majekodunmi stated the office did not perform pre or post payment audits, but rather focused on core compliance and directives by the Board which may not be financial in nature.

Mr. Majekodunmi stated that the offices understood how to define the scope of audits and determine where their respective scopes began and ended. In cases where there could be overlapping responsibility, the offices coordinated to hand off engagements to the appropriate

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

entity. He stated that the offices had coordinated effectively for several years by sharing information and working in their respective areas to avoid duplication. Mr. Majekodunmi noted that there were different types of audits, including financial audits, compliance audits, performance audits, and investigative audits. He stated that the word "audit" was properly placed in the OCA's charter section.

Commissioner Moss asked what led the OIG and OCA to enter into the interlocal agreement with the Clerk's office.

Mr. Majekodunmi stated that in the initial phase of discussions, the offices wanted to document their collaborative work and intent not to duplicate services, specifically to address confusion around the word "audit." He explained that the goal of the interlocal agreement was to ensure continued handoffs and information sharing when the scope fell outside their respective areas.

Ms. Perikles clarified that the interlocal agreement was entered into between the County and the constitutional offices, not by individual offices, and that the agreement specifically named the OIG, the Commission Auditor, and other offices.

Commissioner Moss asked what led the OIG to want to be part of the interlocal agreement.

Ms. Perikles stated that as the County was preparing for the transition and preparing for an agreement with the Clerk, the OIG participated because the OIG had always maintained a good working relationship with the Clerk and wanted to continue that relationship. She explained that the offices had referred matters to each other and that it was part of what the OIG believed to be their duty to cooperate and ensure that services were not duplicated and that each office's functions were specifically delineated and defined.

Ms. Wakefield asked whether the concern about the word "audit" was a legal issue or a functional issue.

Mr. Majekodunmi explained that in this context, the word "audit" functioned as a verb rather than a type of engagement. He stated that different offices conducted various types of engagements, including audit engagements, review engagements, and compilation engagements. Mr. Majekodunmi distinguished between "audit" as a verb used broadly across organizations and "audit" as a designated role, noting that this distinction may have caused confusion. He provided an example that the County's annual independent audit must be conducted by an independent CPA firm and could be performed by the OCA, OIG, or Clerk. Mr. Majekodunmi stated that while scope design and roles were important, "audit" as a verb had never been exclusive in the industry and was fundamental to oversight within any organization.

Chairman Kerbel asked whether adding language stating "consistent with general law" would address the concerns.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Mr. Majekodunmi confirmed that it would.

**C. Internal Compliance Department**

Chairman Kerbel asked whether the Internal Compliance Department (ICD) had anything to add to the discussion.

Dr. Carladenise Edwards stated that she was in agreement with her colleagues and explained that the COCC provided fiduciary responsibility to ensure taxpayer funds were used as intended and that the COCC was responsible for ensuring the integrity of County expenses. She stated that, similar to corporations, there was a segregation of duties to ensure proper checks and balances. Dr. Edwards explained that when audits were conducted by the OIG, Commission Auditor, or COCC, the administration had a duty to address findings. She stated that the Mayor had charged the Internal Compliance Department (ICD) with preventing issues by testing and auditing preventive controls and ensuring that corrective actions from findings were implemented. Dr. Edwards stated that the word "audit" was a verb and would be difficult to strike from the charter because each office had a responsibility to audit, investigate, and review records, performance, and programs to ensure accountability to taxpayers. She asked Ms. Ofelia Tamayo, Director of the Internal Compliance Department, to provide an overview of the department's duties.

Ms. Tamayo stated that she agreed with the OIG and Commission Auditor and had worked with the Clerk's office during the transition. She explained that the ICD had several divisions, including debt collection for the County, oversight of the County's Enterprise Resources Planning (ERP) system, purchasing card compliance, and a processing and transaction division that conducted reviews. Ms. Tamayo stated that the ICD anticipated risk, protected resources, proposed appropriate levels of internal controls, increased efficiency and effectiveness, and maximized resource use. She explained that the office was proactive, collaborative, and provided complementary oversight. Ms. Tamayo provided an example regarding overtime, explaining that while the COCC reviewed overtime payments to ensure compliance with policy, the ICD reviewed overtime policies to help management achieve goals and minimize overtime expenditures. She stated that the ICD focused on front-end internal controls to minimize risk, increase efficiency in processes, maximize revenues, and follow up on action items. Ms. Tamayo concluded that the ICD complemented the audit work performed by the Commission Auditor and the Office of Inspector General.

Chairman Kerbel asked ACA Valdes whether there was a definition in State law for the word "audit" that could guide what constituted an exclusive function.

ACA Valdes stated that there was no comprehensive definition provided in Florida Statutes. He explained that there were numerous instances within Florida Statutes that defined different types of audits with specific definitions and noted that Florida Statutes differentiated between

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

prepayment audits, which verified that there was a valid public purpose for expenses before payment was issued; and post-payment audits, which verified that payment was legal and was actually performed. He stated that there were also performance audits that evaluated performance. ACA Valdes stated that there were various ways in which the term "audit" was defined within Florida Statutes, but there was not one all-encompassing definition.

Chairman Kerbel requested Mr. Montaldo input.

Mr. Montaldo provided clarification on why the issue with the term "audit" in the Home Rule Charter had become significant. He explained that prior to the passage of Amendment 10, the term "audit" was defined in many instances because the audit functions were not exclusively in the Clerk's purview as they were after Amendment 10.

Chairman Kerbel asked whether the Clerk had authority to perform all the different types of audits that ACA Valdes had described.

Mr. Montaldo stated that performance audits, for example, were not within the Clerk's purview. He explained that performance audits did not focus on the financial aspects for which the Clerk was responsible but rather related to policy compliance.

Chairman Kerbel noted that the word "audit" appeared to be a generic term that could cover different types of auditing.

Mr. Montaldo stated that the term "audit" had legal significance. He explained that in any document that conferred legal rights, such as the constitution or the charter, terms would ultimately be defined either by the legislature through statute or by the courts through jurisprudence. Mr. Montaldo stated that the Clerk provided case law regarding the audit function and that case law was clear on the audit function. He explained that the Clerk brought the issue to the commission's attention because the charter was a document used by the public to understand how county government functioned, and terms should be clarified so that constituents could understand their rights. Mr. Montaldo stated that in reading the pre-Amendment 10 Home Rule Charter, there were areas where there was confusion, and those areas should be clarified.

Mr. Montaldo recognized the collaborative working relationship with the OIG and Commission Auditor. He explained that investigations and audits were frequently intertwined, especially on criminal matters, and there were times when functions were different but closely connected. Mr. Montaldo stated that when the Clerk signed the interlocal agreement, the Clerk clarified that there was no intention to gain authority over areas where the OIG performed its work. He stated that the issue was about clarifying the term "audit." Mr. Montaldo stated that the Clerk would not object to adding language referencing state law. He stated that the Clerk's office did not believe removing the word "audit" would cause confusion and that the Clerk's office was neutral on the issue as long as it did not interfere with the Clerk's constitutional and statutory duties. Mr. Montaldo explained that the legislative enactment regarding duplication of functions was passed to clarify that such duplication would be seen as a waste of taxpayer funds.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Chairman Kerbel stated his view that the charter was not a source for the public to determine everything that was allowable or that defined all terms, but rather set parameters for what the County Commission could do through further action. He stated that the CRTF's charge was to determine how much to restrict in the charter regarding what the County Commission could decide later. Chairman Kerbel stated that eliminating the word "audit" was not necessary to avoid duplication and that adding qualifying language could address the issue, as matters could be resolved by the County Commission when they adopted ordinances or resolutions consistent with the charter and state law.

Commissioner Moss asked whether there were potential conflicts that could create problems related to the language.

Mr. Montaldo stated that government functions involved checks and balances that could lead to conflicts, which were sometimes resolved among government officials and sometimes in courts. He stated that he had been with the Clerk's office for 24 years and that each word in the charter was significant. He explained that when important issues arose, each term was examined closely. Mr. Montaldo stated that the Clerk's office sought to clarify terms for the public to the extent possible and that issues would ultimately be resolved through law or by the courts.

Ms. Escarra stated that the discussion brought the CRTF back to Sections 9.10 and 9.11, which were not moved at the last meeting. She stated that the sections would address adding language regarding audits as permitted by law, applicable both to Section 9.10 where the word "audit" had been stricken and would be added back in with reference to general law, as well as Section 9.11.

Chairman Kerbel stated that was his suggestion and questioned whether the line about the COCC having exclusive authority to perform audits was needed, as it sounded too restrictive. He noted that based on the presentations received, there were audit functions that the COCC did not perform.

Vice Chair Redondo stated that to the extent the language could be added referencing consistency with State law, it would address the remaining sentence in Section 9.10.

ACA Valdes proposed specific language for Section 9.11, suggesting the phrase "audits as permitted by law." He proposed that in Section 9.10, the word "audit" be deleted and the phrase "or permitted audits" be inserted after "fiscal analyses." ACA Valdes explained that this language would treat audit as a noun when used with "permitted" as opposed to using audit as an adjective.

Chairman Kerbel stated that the language "permitted audit" raised the question of what is actually permitted. He stated that the CRTF would need a final comprehensive review of all constitutional officer sections before voting on amendments.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

ACA Valdes confirmed that he had compiled everything approved at the previous meeting and would add what was discussed during the current meeting.

Chairman Kerbel asked Ms. Escarra whether the proposed language was acceptable for her motion.

Ms. Escarra agreed to the language discussed and added that the last sentence in Section 9.10 should be removed.

Ms. Escarra moved to amend Section 9.10 by retaining the word "audit" and adding the qualifying phrase "as applicable to general law," with the County Attorney determining the final specific terminology. Mayor Dieguez seconded the motion; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

**D. Office of Management and Budget**

Chairman Kerbel asked Dr. Edwards about her proposal regarding the Office of Management and Budget (OMB).

Dr. Edwards clarified that the interlocal agreement was executed by the County in January 2025 and expired on December 31, 2026. She stated that the CRTF's work was important because it would help provide clarity on the respective roles of each office when the interlocal agreement expired.

Chairman Kerbel asked whether the previous motion provided that clarity.

Dr. Edwards confirmed that the Task Force's action provided the necessary clarity.

Chairman Kerbel raised the question of whether there should be an office or department of finance given the changes to the Clerk's role.

Dr. Edwards stated that Section 5.03 of the charter was titled "Financial Administration," but the full text addressed management and budget. She proposed that Section 5.03 be retitled "Management and Budget" with the remainder remaining the same. She stated that subsection A would read: "The 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 the Director of the Office of Management and Budget or such other designee as the Mayor deemed appropriate." Dr. Edwards stated this would eliminate reference to the finance director and replace it with reference to the Mayor and designee for management and budget. She noted that segregation of duties was normal practice in corporations and stated that

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

subsequent sections B, C, and D through H, all referenced budget and that this was the clearest way to address the issue.

Chairman Kerbel asked whether "County Budget Officer" was a term that existed in state law.

ACA Valdes confirmed that the term existed in state law.

Commissioner Moss inquired about the role of the Board as it related to the operation of this office.

ACA Valdes stated that the role was currently performed by the Mayor. He explained that State law provided that it was a role designated by the County Commission or that could be designated by the County Commission. He stated that the charter already set forth those requirements, which were to prepare a budget and present it to the Board, and that Sections 5.03(B), (C), and (D) already addressed this.

Commissioner Moss asked whether the commission could make changes through legislation.

ACA Valdes stated that the Mayor proposed the budget that was presented to the Board and that ultimately the Board reviewed and approved/adopted the final budget. He clarified that the Mayor did not prepare a final budget or had budgetary authority.

Commissioner Moss asked whether the commission could pass legislation directing the Mayor to perform other duties under this office.

ACA Valdes stated that the Board could issue policy directives to the Mayor to include various items in proposed budgets going forward.

Dr. Edwards addressed Section 5.01, which listed departments that should exist. The section stated "there shall be a department of finance," and she recommended it be amended to read "there shall be a department of budget, personnel, planning and law," replacing "finance" with "budget."

Chairman Kerbel stated that since the provision concerned the Mayor's authority to create an office, he questioned whether the charter needed to specify the Director of the Office of Management and Budget. He suggested the language could simply state that the Mayor may delegate to a designee as the Mayor deems appropriate rather than naming a specific department.

Dr. Edwards responded that Section 5.01 identified which departments should exist, ensuring that a department accountable for budgeting would exist. She stated that Section 5.03 would indicate that the Mayor shall delegate the duties of that department. Dr. Edwards noted that a future mayor might want to use a different name for the office, but the duties would remain in the charter.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Ms. Escarra questioned the change from "finance" to "budget" in Section 5.01 and asked why it was not changed to "management and budget."

Dr. Edwards explained that different entities used different terms. She stated that in her professional experience, she had seen "management and budget" and "planning and analysis," and that different entities used different terms. She noted that at the state level and federal level, there were offices of management and budget, so it was a term familiar in government. Dr. Edwards stated that the term would resonate with the community and others because it was familiar in the government space. She stated that Section 5.01 could be changed from "finance" to "management and budget," and Section 5.03 could reference "management and budget," but noted the Chair's point that this might restrict future mayors who wanted to call it something else.

Ms. Escarra questioned the change from "finance" to "budget" in Section 5.01 and asked why it was not "management and budget."

Dr. Edwards explained that different entities use different terms. She initially opted to use the narrower term "budget," but the language could be changed to better align with state statutes.

Ms. Escarra stated that the language should be more consistent with state statutes.

Chairman Kerbel stated that Section 5.03 would reference "Budget."

Ms. Escarra stated it should reference the "Budget Office."

ACA Valdes noted that Section 5.03 contains provisions that do not relate exclusively to the budget process, such as subsection (D) which addresses competitive bidding requirements.

Chairman Kerbel stated that "Management and Budget" made more sense for Section 5.03 given the broader scope.

Ms. Escarra summarized the proposed changes: Section 5.01 would be amended to say "budget" instead of "finance" in the first sentence; Section 5.03 would have "Management and Budget" in the title; the first sentence would be crossed out; and the following language would be added: "The 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 the Director of the Office of Management and Budget or such other designee as the Mayor deems appropriate."

Chairman Kerbel proposed an amendment to strike the specific reference to the Office of Management and Budget and change the language in the last sentence of Section 5.03 to read: "The Mayor may delegate any budgetary responsibilities, powers, or duties to any such designee."

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Ms. Escarra accepted the amendment.

Mayor Joshua Dieguez moved to approve the changes as amended by Chairman Kerbel. Ms. Escarra seconded the motion; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

Chairman Kerbel stated that there was an outstanding issue relating to the SOE.

Mr. Rosenthal stated that the outstanding issue related to who qualified candidates for County Commission and Mayor. He explained that at the previous task force meeting, the CRTF had asked the County Attorney to research whether a particular office was legally required to serve as the qualifying officer. Mr. Rosenthal stated that although this responsibility was previously assigned in the charter to the Clerk, it was no longer appropriate under Amendment 10 changes. He stated that the Clerk had requested that the SOE perform this function, and that the SOE was the qualifying officer under State law.

ACA Valdes stated that the question related to the interaction between State law, which provided qualifying requirements for county officials and county judges; and home rule powers that the County may have regarding the method of election of County commissioners. He stated that with the enactment of Amendment 10, arguments could be made on both sides. ACA Valdes stated that from a practical standpoint, it had always been the Supervisor of Elections office or elections department that conducted qualifications, either through delegation by the Clerk, deputization by the Clerk, or as the established method. He stated that from a practical standpoint and to avoid constitutional versus charter conflicts, it was simplest to memorialize what had always been done in practice, which was that the SOE served as the qualifying officer.

Chairman Kerbel asked whether under State law it has always been the Supervisor of Elections that is the qualifying officer.

ACA Valdes confirmed that in all other Florida counties, the SOE served as the qualifying officer pursuant to State law.

Ms. Escarra asked whether the Supervisor of Elections performed this function for all municipalities within the county.

Mr. Rosenthal stated that municipalities had their own municipal clerks who served as qualifying officers. He noted that the municipal clerks reported qualified candidates to the SOE, but the task force was not addressing municipal charters.

Mr. Rosenthal further explained that State law addressed qualifying officers and that county-wide offices went to the SOE.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

ACA Valdes advised that the change would be made to Section 3.04(A) and explained that the part of the charter that currently read "All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk of the Circuit Court" would be amended to delete "Clerk of the Circuit Court" and replaced with "Supervisor of Elections."

Chairman Kerbel asked whether a similar change was needed regarding initiatives and referenda.

Mr. Rosenthal stated that initiative and referendum processes were not governed by State law in the same manner.

ACA Valdes stated in his review of the initiative and referendum provisions, language had been added relating to the timing of elections to address concerns previously raised by Commissioner Moss. He stated that the language would indicate that elections would be held at the earliest possible time at which the SOE confirmed availability to conduct such election.

Chairman Kerbel stated that the only remaining question was who validated the petition for initiatives and referenda.

Mr. Fernandez moved to approve the amendment to Section 3.04(A) to replace "Clerk of the Circuit Court" with "Supervisor of Elections." Vice Chair Redondo seconded the motion, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

## **V. Overview of Draft Amendments relating to Constitutional Officers**

Chairman Kerbel stated that in the next meeting, the CRTF would go over the amendments relating to the Constitutional Officers.

Ms. Wakefield inquired about the degree of authority the Board would have over constitutional officers.

ACA Valdes explained that the Florida Constitution provided that the duties and powers of constitutional officers were set forth in general law. He stated that general law provided independence for constitutional officers in areas related to procurement, personnel, and various other issues. ACA Valdes stated that there were certain instances in which the Board was allowed to direct or have involvement with constitutional officers, but those were set forth in general law. He provided an example that the COCC served as the COB, and in that capacity, the Board was allowed to direct what the COB did, such as taking minutes of meetings, providing vote counts, and transmitting copies of resolutions. ACA Valdes stated that there were other instances in State law where the Board must approve certain contracts that constitutional officers entered into, while constitutional officers had complete authority to enter into other contracts on their own. He concluded that the matter while complicated was largely set forth in State law.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

**VI. Proposed Technical Amendment Overview**

Chairman Kerbel asked whether the Trust members wanted to discuss the proposed technical amendments or wait until the next meeting.

Mr. Eikenberg stated that the technical changes were self-explanatory and moved approval. Mayor Losner seconded the motion; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

Chairman Kerbel requested that staff prepare draft ballot language for the technical amendments to be reviewed at the next meeting. He stated this would help the CRTF understand the total number of ballot questions that would ultimately be presented to voters.

ACA Valdes confirmed that a draft ballot question could be prepared and noted that amendments could be packaged together as the Task Force determined.

Chairman Kerbel requested that staff also prepare draft ballot language for the constitutional officer amendments, since the complete slate of those amendments would be available for review at the next meeting.

**VII. Discussion on Amendments regarding the Structure of County Government**

Chairman Kerbel noted that given the length of today's meeting and yesterday's budget discussions, he proposed briefly introducing the topic of County structure and conducting a more thorough discussion at future meetings once outstanding business had been addressed.

Chairman Kerbel outlined that the discussion would examine the relationship between the Mayor and the Board under the strong mayor system, the respective powers of each office, and the overall governmental structure. He encouraged Task Force members with specific proposals to submit language to staff for inclusion on future agendas.

Chairman Kerbel expressed interest in exploring term limits and commissioner salaries, structured to avoid benefiting current office holders. He suggested this had been an obstacle in previous attempts and outlined his preliminary view was 12-year term limits for commissioners and salaries set in accordance with State law.

Mayor Losner referenced previous discussions regarding recall percentages and requested staff compile data for each district, including voter numbers, resident populations, and turnout percentages from the 2022 and 2024 elections.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Mayor Losner moved to authorize staff to compile the requested information. Mayor Dieguez seconded the motion; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

Chairman Kerbel established that Task Force members could request information directly from staff, which would be distributed to all members for the next meeting.

Mayor Losner outlined additional topics for future discussion, including requiring special elections for County Commission vacancies exceeding one year, extending district residency requirements from six months to one year with corresponding voter registration requirements, and exploring a structure where each voter would have two commissioners. He described a potential configuration of nine single-member districts with four overlapping districts to maintain 13 total commissioners. Mayor Losner noted that Live Local legislation was significantly impacting population distribution, particularly in the southern portion of the county.

Chairman Kerbel sought clarification regarding whether this would alter the current 13 single-member district structure.

Mayor Losner clarified that the total number of commissioners would remain 13 but with a different configuration.

Commissioner Moss expressed concern about devoting time to structural changes without evidence of significant dysfunction in the current Board operations. He stated he did not object to discussion but questioned the need for changes if the system was functioning adequately.

Chairman Kerbel suggested requesting comparative data on term limits and commissioner salaries from other large counties, similar to the constitutional officer research previously provided.

Ms. Escarra requested previous ballot language regarding term limits and salaries presented to Miami-Dade voters.

Mr. Eikenberg moved that staff gather information on previous ballot language addressing term limits and salaries, plus comparative data from other counties.

Chairman Kerbel proposed a friendly amendment to include information about governmental structures in other major counties regarding single-member districts versus at-large representation.

Mayor Losner proposed adding information about limitations on outside compensation for commissioners in counties that provide significant compensation.

Commissioner Moss proposed adding information about counties or major cities that had successfully passed term limits or salary change measures through voter approval.

**CLERK'S SUMMARY OF MINUTES  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 5, 2025**

Chairman Kerbel noted that Miami-Dade may be unique in specifying commissioner salaries in the charter.

Mr. Eikenberg moved that staff gather and present ballot language addressing term limits and salaries, plus comparative data from other counties, along with the requested information as outlined by Chairman Kerbel, Mayor Losner and Commissioner Moss. This motion was seconded by Ms. Escarra; and upon being put to a vote, passed 10-0 (Senator Calatayud, Mr. Granado, Mr. Jimenez, and Mayor Pierre were absent).

ACA Valdes informed Task Force members that the County Attorney's office was available to assist with legal research and implications for proposed amendments prior to meetings to facilitate efficient discussions. He stated this would allow the office to provide legal guidance at meetings rather than requiring follow-up research.

Chairman Kerbel inquired whether the County Attorney's office would draft proposed language if requested by task force members.

ACA Valdes confirmed that assistance would be provided.

Chairman Kerbel stated that staff should provide available information by the next meeting and anticipated this topic would require at least two additional meetings to address adequately.

Chairman Kerbel confirmed the next meeting would be held on September 17th at 1:00 p.m.

### **VIII. Other Discussion Items**

- None presented.

### **IX. Adjournment**

There being no further business to come before the CRTF, the meeting was adjourned at 3:07 p.m.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its fifth meeting at the Stephen P. Clark Center, Commission Chambers, 111 NW First Street, Second Floor, Miami, Florida 33128, on September 17, 2025, at 1:27 p.m.

**I. Roll Call**

The following Task Force members were present at roll call:

- Senator Alexis Calatayud;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Robert H. Fernandez;
- Mr. Jose Jimenez;
- Chairman Dennis A. Kerbel;
- City of Aventura Mayor Steven D. Losner;
- Former City of North Miami Mayor Andre D. Pierre;
- Vice Chairman Michael D. Redondo (State Representative for House District 20);
- Ms. Rebecca Wakefield;
- Former City of Miami Shores Mayor Crystal Wagar; and
- Former Miami-Dade Commissioner Dennis Moss.

Town of Miami Lakes Mayor Joshua Dieguez appeared via Zoom.

Ms. Stephanie V. Daniels and Mr. Rafael E. Granado sent written notification of their absence.

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

- Assistant County Attorney (ACA) Mr. Michael Valdez;
- Mr. Oren Rosenthal, General Counsel, Supervisor of Elections;
- Mr. Carlos Maxwell, Assistant Director, Office of Management and Budget (OMB);
- Mr. Ryan Lafarga, Assistant Advisor, OMB; and
- Ms. Flora Garcia, Deputy Clerk, Clerk of the Board (COB).

**II. Pledge of Allegiance**

Mayor Crystal Wagar led the Pledge of Allegiance.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

**III. Reasonable Opportunity for the Public to be heard**

Chairman Kerbel opened the reasonable opportunity for the public to be heard.

Mr. Oren Rosenthal addressed the Task Force regarding previously adopted proposals from the Supervisor of Elections (SOE). He clarified that these proposals pertained to Section 9.01 of the Miami-Dade County Charter and had been approved by the Task Force on August 25, 2025. Mr. Rosenthal explained that while the Task Force had adopted amendments prohibiting the County from abolishing, impairing, or transferring powers from constitutional officers, the current draft document had relocated these provisions from Section 9.01 to Section 1.01A for simplification purposes.

Mr. Rosenthal expressed concern that Section 1.01A, which enumerates affirmative powers granted to the Board of County Commissioners (Board), was not the appropriate placement for these prohibitions. He argued that the provisions should remain in Section 9.01, as originally adopted, because they represented broad prohibitions applicable to the entire County rather than limitations on the Board's ordinance-making authority. He further noted that a critical word, "transfer," had been inadvertently omitted during the consolidation process and recommended its reinsertion. Additionally, Mr. Rosenthal proposed adding a new subsection 9.01(d) to explicitly state that the County shall not abolish, impair, or transfer the jurisdiction, responsibilities, powers, or duties of constitutional officers as established by the Florida Constitution and general law.

Chairman Kerbel acknowledged the importance of eliminating redundant provisions while ensuring clarity.

ACA Michael Valdez explained the rationale behind the consolidation decision. He noted that Section 9.01 was drafted to provide historical context regarding the evolution of constitutional officer roles, particularly following Amendment 10, which restricted the County's ability to modify these offices. ACA Valdez emphasized that repeating the same prohibitions in multiple sections would create unnecessary redundancy, particularly since Section 9.01(c) already detailed Amendment 10 prohibitions. He maintained that the current structure was legally sufficient and that creating additional subsections would duplicate existing provisions.

Regarding Chairman Kerbel's inquiry relating to the County's powers, Mr. Valdez advised that the Florida Constitution and State law prohibited the County from abolishing, impairing, or eliminating existence by ordinance or other means any of the subject functions.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Hearing no other members of the public wishing to speak, Chairman Kerbel closed the reasonable opportunity to speak.

**IV. Comprehensive Overview of Approved Amendments Related to the Constitutional Officers**

Chairman Kerbel transitioned the meeting to a comprehensive overview of approved amendments related to constitutional officers.

Ms. Escarra raised questions regarding Section 1.01A(4), specifically the insertion of the word "municipal" before "police protection." She expressed concern that this addition had not been discussed at the previous meeting and sought clarification on its purpose, given that individual municipalities maintain their own police departments.

Chairman Kerbel explained that the Task Force had previously discussed preserving the County Commission's authority to establish countywide standards for police protection, even though the Sheriff's Office now handled direct law enforcement functions for unincorporated areas. He noted the insertion of "municipal" was intended to clarify that the County retained the power to set minimum standards for municipal police departments while acknowledging that the Sheriff's Office operated independently under State law and was not subject to County ordinance standards.

ACA Valdez stated the distinction was necessary to prevent the Sheriff's Office from being subject to County-established standards while maintaining the County's ability to set baseline requirements for municipal law enforcement agencies.

An unidentified representative for the Sheriff's Office confirmed the Office did not have the authority to establish countywide police standards.

Ms. Escarra recommended incorporating a cross-reference to Section 9.01 to provide complete historical context.

Chairman Kerbel clarified that Section 9.01 was designed to outline the historical background of constitutional officer provisions and the Florida Constitution's requirements, while Section 1.01A(19) specified prohibitions on the County Commission's exercise of powers. He opined that the two sections served distinct purposes and were not duplicative.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Mr. Rosenthal concurred with this assessment, noting that Section 1.01A(19) addressed affirmative powers of the Board while Section 9.01 should address prohibitions related to constitutional officers.

Regarding Ms. Escarra's question, Mr. Valdez advised that he believed it would read awkwardly to include in Section 1.01(A)(19) language saying, "except as provided in Section 9.01," and stipulate a list of exceptions after including language listing what the Board could do.

Mr. Fernandez advised that, based on the discussion, the Task Force would be amending Section 9.01. Therefore, he suggested that the language in Section 9.01(A) be added to Section 9.01(D). He expressed his agreement with Mr. Rosenthal's suggestions and the proposed language in Section 1.01(A)(17) relating to contracts.

Vice Chairman Redondo agreed with Mr. Valdez's recommendation and proposed using simpler wording to facilitate the public's understanding of the Charter.

Mr. Jimenez expressed his agreement with the current language in Section 1.01(A)(19) relating to the abolishment and duties powers.

A discussion ensued among the Task Force members and Mr. Rosenthal regarding how to best avoid duplication.

Mr. Valdez advised that he preferred simplicity and avoiding cross-referencing other sections of the Charter.

Mayor Losner referenced the language in Section 1.01(A)(4) stating "to provide a uniform system for fire and police protection." He noted that the Task Force had discussed setting uniform standards for fire and police protection. Therefore, that was the language that should be used.

Chairman Kerbel said the language would allow the County Commission and Sheriff's Office to work simultaneously on establishing uniform standards, and it would be appropriate to maintain that power. He asked whether the two concepts could be separated because the Task Force wished to change the language to recommend establishing a uniform system for fire protection and uniform standards for municipal police protection.

Chairman Kerbel advised that the language of the last sentence in Section 1.01(A)(4) would be modified as follows:

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

1. To add the word “protection” after the word “fire;” and
2. To insert the words “uniform standards” before the phrase “municipal police protection.”

Mr. Valdez agreed to the proposed language changes.

In response to Commissioner Moss’s questions regarding whether other Charter provisions needed revision, Mr. Valdez advised that potential language was proposed to revise Sections 9.10 and 9.11 of the Charter relating to the audit provisions. He noted that he was asked to draft language after the discussion.

Mr. Valdez proposed modifying Section 9.10, Attachment 1, as follows:

1. To add the phrase “audits, as permitted by law, as well as,” after the wording “providing the Commission with” in the third sentence of the paragraph; and
2. To delete the word “audit” before the word “management.”

Mr. Valdez proposed modifying Section 9.11, Attachment 1, as follows:

1. To add the wording “as permitted by law” after the word “audit” in line 7 of the paragraph

Ms. Escarra questioned Section 5.04 relating to the assessment and collection of taxes and the wording referring to the year the Tax Collector began collecting taxes.

Upon concluding the foregoing discussion, the Task Force members unanimously agreed to delete the wording “beginning with the tax year 1961.”

Chairman Kerbel questioned whether the reference to the tax year 1961 should be included in Section 9.01.

Discussion ensued between Chairman Kerbel, Mr. Valdez, and Ms. Escarra regarding whether to reference the year the Tax Collector began collecting taxes.

Mr. Valdez asked for additional time to review the reason for including the beginning of the tax year in the historical description.

Mr. Valdez confirmed that the beginning of the tax collection year was mentioned in the historical section because Section 4.04, Assessment and Collection of Taxes, of the 1956 Charter

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

referenced that the tax collection would begin in 1961, and it indicated how taxes would be collected in future years.

Regarding Mr. Eikenberg's question, Chairman Kerbel clarified that the responsibilities of independent budgetary and management were distinct and always grammatically separated by a comma.

Mr. Valdez further clarified that it was understood as management analyses, revenue forecasting analyses, and fiscal analyses.

Chairman Kerbel questioned whether it would be appropriate to add a sentence at the end of Section 9.01(A) to acknowledge in the office's history its abolishment.

Mr. Valdez explained that the purpose of including the statement that the tax collection would begin in the year 1961 was to clarify that all assessed property taxes would be reflected in one bill.

In response to Chairman Kerbel's question, Mr. Valdez responded that the year 1961 would be deleted.

Chairman Kerbel clarified that the Task Force members had agreed on the following revision recommendations:

1. Revising Section 1.01(A)(4) to provide uniform systems for fire protection and uniform standards for municipal police protection;
2. Inserting the Interlocal Agreement language in Section 1.01(A)(17) to add the Constitutional Officers;
3. Agreeing to insert the word "transfer" in Section 1.01(A)(19); and
4. Revising Section 5.04 to delete the reference to the year that the Tax Collector began collecting taxes to "read all County and municipal ad valorem taxes shall be collected by the Tax Collector in accordance with State law."

Mr. Eikenberg moved that the Task Force accept the aforementioned revision recommendations read into the record by Chairman Kerbel, including the transfer language for the Constitutional Officers. The motion was seconded by Mayor Pierre; and upon being put to a vote, the motion passed by a vote of 12-0. (Ms. Daniels and Mr. Granado were absent, and Mayor Dieguez participated virtually.)

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

**V. Proposed Ballot Title & Summaries**

Chairman Kerbel introduced the proposed technical changes and amendments to the Charter and opened the floor for discussion.

Mr. Valdez suggested the language could be more concise if the Task Force wished to incorporate other revision recommendations relating to another Charter section. He pointed out that the Task Force could opt to vote on the proposed changes and amendments now or after the discussions were concluded. He advised that the proposed language was in a legally sufficient form if the Task Force wished to vote now.

Chairman Kerbel opened the floor for discussion.

In response to Vice Chairman Redondo's question, Mr. Valdez advised that whether the foregoing proposed changes would need further review depended on the nature of other proposed technical changes and amendments proposed in future discussions. He noted that the Task Force would be able to make additional proposed revisions.

Commissioner Moss moved to accept the foregoing proposed technical changes and amendments to the Charter. This motion was seconded by Mayor Wagar; and upon being put to a vote, the motion passed by a vote of 12-0. (Ms. Daniels and Mr. Granado were absent, and Mayor Dieguez participated virtually.)

**VI. Discussion on the Structure of County Government**

Chairman Kerbel opened the floor for questions and discussion on the research compiled regarding the structure of other County government forms.

Mr. Eikenberg asked about the salary computations of Constitutional Officers listed in Attachment 7, page 10.

Discussion ensued among the Task Force members regarding the compensation structure and salary computations.

In response to Commissioner Moss's request, Mr. Valdez stated that staff extensively researched ballot questions where the salary measure succeeded. He stated that the State of Arizona passed a

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

successful ballot measure to increase legislators' or commissioners' salaries, and he explained the methodology used.

Commissioner Moss advised that the City of San Antonio also passed a successful ballot measure in 2024 to increase salaries for their City Council and Mayor. He requested research on how the City of San Antonio passed the salary increase measure and if other issues were used to achieve consensus among the constituents.

Mr. Valdez advised that the research data would be presented at the next Task Force meeting.

In response to Chairman Kerbel's questions, Mr. Valdez advised that the ballot measure was prompted by the State legislation and approved as a Constitutional amendment by the people.

Chairman Kerbel and Mr. Valdez discussed the salary increase and its phased implementation.

Chairman Kerbel advised that he disagreed with inserting the compensation increase measure in the Charter. He suggested proposing to set the salaries as State law, excluding an initial salary figure, and creating a system or formula to determine compensation.

In response to Commissioner Moss's question, Mr. Valdez stated that the ballot question law required providing the voters with a clear understanding of context and intent.

Upon conclusion of the discussion between Commissioner Moss and Mr. Valdez regarding the ballot question's language, Mr. Valdez advised that he needed to research recent court cases about the required ballot disclosure.

Commissioner Moss explained that commissioners should receive living wage compensation because it was a full-time job to expand the pool of potential qualified candidates.

Mr. Jimenez expressed his agreement with Commissioner Moss's comments and asked the County Attorney's Office to review the feasibility of using an initial salary figure with State law incremental increases if he was unable to find recent court case law.

Senator Calatayud proposed recommending two compensation formulas for full-time and part-time commissioners that would reduce compensation for commissioners with outside employment.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

In response to Chairman Kerbel's question, Mr. Valdez stated that the statewide salary formula provides compensation for the office without prohibition or regulation about outside employment for the Constitutional offices or County Commissioners.

Discussion ensued among the Task Force members and Mr. Valdez on the compensation structure of the 20 County-chartered governments identified in the research documents, the County Charter's language describing the County Commissioners' compensation at \$6,000 annually, and the compensation for state-wide elected County Constitutional Officers and School District Officials for Fiscal Year (FY) 2024-25 reflected in Attachment 7.

Mr. Valdez clarified that State law prevents counties subject to the statutory compensation formula from increasing or providing additional compensation beyond what was described in the State law provisions. He further clarified that the County had broad Home-Rule powers to govern itself as it deemed feasible, and the compensation method for County Commissioners was one of the powers listed in the County's Home Rule Amendment that allowed deviation from State provisions. He pointed out that very few issues limited the decision on compensation, and it was mostly based on the will of this Task Force and ultimately the will of the voters.

Vice Chairman Redondo agreed with the need to increase the commissioners' compensation, noting that the salary computation methodology should be based on the research findings.

Ms. Wakefield agreed with the suggestion proposed by Chairman Kerbel to exclude referencing a salary figure and ask the voters to approve compensation up to a certain level.

Commissioner Moss commented that the Task Force should continue its efforts to persuade the Board of County Commissioners to pursue approval of a compensation increase for County Commissioners. He reiterated his request to receive feedback from the City of San Antonio on how they achieved a successful ballot measure.

Mayor Losner expressed his agreement with the need to increase compensation, stating that he believed the voters would not approve that measure without imposing limitations on outside employment. He suggested that the figure be set at 140% of the amount provided in the State's table, with the requirement of no outside employment. He noted that the compensation could be set at the 140% of the State rate without adopting the State's table.

Chairman Kerbel suggested recommending two compensation formulas. He recommended that one formula could establish compensation at the State formula with the outside employment

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

prohibition, and the second formula would establish compensation at \$6,000 without the outside employment prohibition.

In response to Mayor Losner's and Chairman Kerbel's inquiries, Mr. Maxwell stated that his department needed to review the State's formula and how the incremental increases were applied, including whether automatic cost-of-living increases were provided, to answer the question accurately.

Senator Calatayud recommended proposing to establish compensation at a percentage of the current State formula without reference to part-time or full-time, and tripling or quadrupling the current salary of a County Commissioner.

Ms. Escarra recommended using the County's area median income (AMI) as a baseline to establish compensation.

Commissioner Moss commented that applying the AMI concept to the compensation had been discussed in the past, but the proposal was never placed on the ballot for approval. He pointed out that using the AMI data represented a hopeful option.

Mr. Jimenez asked Mr. Valdez to provide information on the compensation of the Miami-Dade County Public School (MDCPS) Board officials and other local elected officials in the County.

Chairman Kerbel expressed his preference to incorporate a definite compensation figure in the ballot language.

Mr. Jimenez recommended including an automatic incremental increase formula with the compensation figure. He noted that he would not support including a compensation figure without the incremental increase formula.

Mr. Eikenberg asked for information about the compensation level of the County's Constitutional Officers.

Mr. Lafarga advised that the Constitutional Officers' compensation was approved by the governing body of the State of Florida Revenue Department in accordance with State law provisions. He noted that he would compile a list of their salaries from the FY2025-26 budget and provide it to the Task Force members.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Chairman Kerbel asked that the information regarding the Constitutional Officers' compensation be provided at the Task Force's next meeting.

Mr. Rodriguez suggested that the Task Force incorporate the guiding principles of vulnerability and clarity when drafting the ballot question language due to the legal and political considerations associated with this issue.

Chairman Kerbel suggested considering limiting the date to effectuate the implementation of the compensation increase.

Mayor Losner suggested using the term limit dates to establish the effective date and proposed making the compensation measure effective in the year 2029 to limit the number of incumbent commissioners benefiting. He noted that two County Commission election cycles would expire before the legislation became effective.

Chairman Kerbel directed County staff to compile information on the following issues for the next Task Force:

1. List of the salaries of the MDCPS Board officials
2. List of the salaries of the Constitutional Officers
3. Information on the current AMI
4. List of the salaries of the elected officials in all of the County's 34 municipalities
5. List of all benefits included in the State law compensation provisions

An unidentified staff member indicated that the County's current AMI was \$87,000 as of May 2025. He explained how the AMI was applied in federal programs.

Chairman Kerbel cautioned about the reference point that the Task Force should use to prevent the salary from being adjusted based on family size.

Mr. Valdez presented the ballot information introduced before the City of San Antonio's voters. He stated that the ballot language set City Commissioners' salaries at \$70,200 and \$87,800 for the City's Mayor, with future adjustments to correlate with the United States Department of Housing and Urban Development (USDHUD) for a 4-member household average median income for the City of San Antonio. He advised that he would further research and provide additional information on the City of San Antonio's successful ballot.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Mayor Losner pointed out the importance of performing a comprehensive review of all the benefits provided to elected officials in addition to their salaries before proposing a recommendation.

Ms. Wakefield proposed reviewing the County Mayor's salary and considering including it in the Charter due to the changes in the duties and roles of that office since the inception of the Office of the Sheriff.

In response to Ms. Wakefield's suggestion to include the County Mayor's salary in the Charter, Chairman Kerbel suggested the Task Force should focus on drafting an appropriate ballot question language acceptable to the voters and developing a compensation formula for the ballot.

In response to Chairman Kerbel's question, Mr. Valdez advised that the Charter does not set the County Mayor's salary.

In response to Mr. Fernandez's question, Mr. Valdez responded that the Board of County Commissioners sets the County Mayor's salary.

Ms. Escarra suggested reviewing the issue of extending term limits from two to three terms to allow the Board members to serve 12 years due to the complexities of developing and completing projects.

Chairman Kerbel agreed with Ms. Escarra's suggestion.

Discussion ensued among the Task Force members regarding the proposal to recommend extending term limits.

Senator Calatayud and Commissioner Moss expressed their support for discussing the issue of term limits.

Mr. Jimenez proposed considering two terms of six years if the Task Force members agreed to discuss the issue to limit the frequency of holding elections, even though he opposed increasing term limits.

Senator Calatayud commented on Tallahassee's new interest in reducing term limits to eight years for certain elected government bodies.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

Mr. Fernandez expressed opposition to presenting both term limit options in the ballot because it would be more difficult to have either option approved.

Chairman Kerbel recommended drafting ballot language for both options, the 3-term 12-year limit option and the 2-term 12-year option, for discussion and to determine which proposal to recommend.

Ms. Escarra agreed with Chairman Kerbel's recommendation.

Senator Calatayud recommended opting to propose a term limit option now and proposing the alternative option in the future.

Chairman Kerbel agreed with Senator Calatayud's recommendation as an option.

Vice Chairman Redondo advised that he wished to review other sections of the Charter that were not structural and come back with recommendations.

Chairman Kerbel pointed out that he also wished to review other sections of the Charter regarding annexations, incorporations, sea level rise, resilience, budget, and planning.

Mr. Valdez advised that he would be available to meet with Task Force members wishing to discuss proposed ballot question language.

Upon conclusion of the foregoing discussion, Chairman Kerbel directed County staff to provide all the requested information at the next Task Force meeting.

**VII. Other Discussion Items**

**A. Meeting Schedule**

Upon reaching a consensus, Chairman Kerbel scheduled the next two Task Force meetings as follows:

1. October 10, 2025, from 10:00 a.m. to 1:00 p.m.
2. October 27, 2025, from 10:00 a.m. to 1:00 p.m.

**CLERK'S SUMMARY  
CHARTER REVIEW TASK FORCE  
SEPTEMBER 17, 2025**

**VIII. Adjournment**

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting was adjourned at 3:14 p.m.