

MEMORANDUM

Agenda Item No. 11(A)(13)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 7, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution calling a countywide special election in Miami-Dade County, Florida, to be held in conjunction with a General Election on Tuesday, November 8, 2022, for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to require that County Commissioners and the County Mayor, upon taking their 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

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM (Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 7, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(13)

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)(13)
7-7-22

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO REQUIRE THAT COUNTY COMMISSIONERS AND THE COUNTY MAYOR, UPON TAKING THEIR 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

WHEREAS, on November 6, 1956, the people of Florida amended the Florida Constitution by adopting Article VIII, Section 11 of the Florida Constitution of 1885, preserved in Article VIII, Section 6 of the Florida Constitution of 1968 (“Home Rule Amendment”), which authorized the people of Miami-Dade County to adopt a home rule charter; and

WHEREAS, the Home Rule Amendment granted the electors of Miami-Dade County the power, within certain areas, to adopt their own rules for the government of Miami-Dade County, with the Board of County Commissioners acting as our governing body; and

WHEREAS, on May 21, 1957 the electors of Miami-Dade County adopted the Miami-Dade County Home Rule Charter (“Home Rule Charter”) which acts as the "constitution" for Miami-Dade County government; and

WHEREAS, the Home Rule Charter has protected the right of self-government in Miami-Dade County for over 65 years and has enabled the Board of County Commissioners to provide for needed services and economic opportunities for the people of Miami-Dade County; and

WHEREAS, the Home Rule Amendment properly places the ultimate political power of Miami-Dade County in its electors who alone possess the authority to amend the Home Rule Charter; and

WHEREAS, Article II, Section 5(b) of the Florida Constitution provides that state and county officers, before entering upon the duties of the office, shall give an oath by swearing and affirming that they “will support, protect, and defend the Constitution and Government of the United States and of the State of Florida” and that they “will well and faithfully perform the duties of” the office upon which they are about to enter; and

WHEREAS, the creation of a similar oath of office for elected County Commissioners and the County Mayor and thereby requiring such officers to swear and affirm that they will support, protect, and defend the Miami-Dade County Home Rule Charter and the Government of Miami-Dade County will ensure that the officials elected to represent the people of Miami-Dade County in their local government act consistent with the principles of local home rule as established by Miami-Dade County electors; and

WHEREAS, this Board desires to place a proposal to amend the Home Rule Charter on the November 8, 2022 General Election ballot to ask the electors of Miami-Dade County whether the County Commissioners and the County Mayor shall take an oath of office swearing and affirming to support, protect and defend the Miami-Dade County Home Rule Charter and Government of Miami-Dade County,

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

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with the General Election on Tuesday, November 8, 2022, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until 29 days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

**CHARTER AMENDMENT CREATING LOCAL OATH OF OFFICE
FOR COUNTY COMMISSIONERS AND THE COUNTY MAYOR**

SHALL THE COUNTY CHARTER BE AMENDED TO
REQUIRE THAT COUNTY COMMISSIONERS AND THE
COUNTY MAYOR, UPON TAKING OFFICE, SWEAR OR
AFFIRM THAT THEY WILL SUPPORT, PROTECT AND
DEFEND THE MIAMI-DADE COUNTY HOME RULE
CHARTER AND THE GOVERNMENT OF MIAMI-DADE
COUNTY?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Vote-by-mail paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such vote-by-mail ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz. 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:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of July, 2022. 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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-3¹

ELECTIONS

* * *

SECTION 3.02 ~~[[RESERVED.]]~~ >>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.”<<

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