

MEMORANDUM

Agenda Item No. 11(A)(4)

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

DATE: March 19, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution creating a Charter Review Task Force; setting forth membership, organization, powers and responsibilities of such Task Force; providing for a report; and providing for sunset

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

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

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

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

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


Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001



MEMORANDUM

(Revised)

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

DATE: March 19, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

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

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

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

RESOLUTION NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

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

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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Michael B. Valdes