

MEMORANDUM

Agenda Item No. 11(A)(17)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 21, 2026

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 3, 2026, for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to establish a Boundary Commission for annexations and incorporations

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/uw

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 21, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(17)

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**
- _____ **Requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) ____) 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)(17)
7-21-26

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 3, 2026, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO ESTABLISH A BOUNDARY COMMISSION FOR ANNEXATIONS AND INCORPORATIONS

WHEREAS, on March 19, 2024, this Board approved Resolution No. R-225-24, sponsored by Commissioner Danielle Cohen Higgins, creating a Charter Review Task Force to review the Home Rule Charter of Miami-Dade County in its entirety and to prepare and submit written recommendations to the Board of County Commissioners setting forth any proposed amendments or revisions to the Charter; and

WHEREAS, the Charter Review Task Force transmitted a final report recommending that this Board place proposed changes to the Miami-Dade County Home Rule Charter before the electorate of the County; and

WHEREAS, among the issues studied by the Charter Review Task Force was the process relating to annexations and incorporations; and

WHEREAS, the Charter Review Task Force, by a vote of eight in favor and none against, recommends that the Board place a referendum before the electors of Miami-Dade County to approve an amendment to the Miami-Dade County Home Rule Charter to create a Boundary Commission to evaluate proposed annexations and incorporations on a regular three-year cycle and provide comprehensive recommendations to the Board at the end of each cycle; and

WHEREAS, this Board desires to place this issue before the voters on the November 3, 2026 General Election Ballot,

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 3, 2026, 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 as Attachment A.

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
ESTABLISH BOUNDARY COMMISSION FOR
ANNEXATIONS AND INCORPORATIONS

Shall the Charter be amended to establish a Boundary Commission to review and make recommendations on municipal boundary changes and incorporations, replacing the Planning Advisory Board's role, and to set new procedures and requirements for

petitions, public hearings, and approvals related to boundary changes and the creation of new municipalities, including specific thresholds for elector and non-residential property owner consent, and a collective three-year review process for proposals?

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 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 County Mayor's designee and the Clerk of the Board 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 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:

Anthony Rodriguez, Chairman	
Kionne L. McGhee, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Sen. René García	Oliver G. Gilbert, III
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Vicki L. Lopez
Natalie Milian Orbis	Raquel A. Regalado
Micky Steinberg	

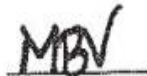
The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of July, 2026. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

ATTACHMENT A¹

MIAMI-DADE HOME RULE CHARTER

* * *

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]]~~ >>Boundary Commission<<, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned. >>All proposals for municipal boundary changes shall, at a minimum, include a petition or other consent form, as determined by the Board of County Commissioners, with signatures from at least 10% of the electors of the proposed boundary change area and signatures from the owners of at least 10% of non-residential property within the proposed boundary change area. The Board of County Commissioners may, in its discretion, define non-residential property for purposes of this Article and create procedures and criteria for any review and determination as to such.<<
- 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]]~~ >>Boundary Commission<<, 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 >>(1)<< 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 >>and (2) the results of the survey of property owners referenced herein, as applicable. For proposed boundary changes that involve the annexation or separation of an area with 250 or less resident electors, the County shall prepare and mail a survey to the owners of property within the proposed boundary change area to ascertain whether such property owners are in favor of or against the proposed boundary change, and the results of such survey shall be sent to the Board of County Commissioners.<< 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]]~~ >>Boundary Commission<<, 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

¹ Words highlighted in yellow and stricken through and/or [[double bracketed]] shall be deleted under the amendment proposed. Words highlighted in yellow and underscored and/or >>double arrowed<< constitute the amendment proposed. Words highlighted in green constitute changes in other proposed Charter amendments. Remaining provisions are now in effect and remain unchanged.

charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 6.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter can only be changed if approved by an affirmative vote of two-thirds ($\frac{2}{3}$) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors.

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

1. An incorporation committee composed of a minimum of five (5) electors from the proposed area of incorporation will initiate the process by filing with the ~~[[Clerk of the Circuit Court]]~~>>Clerk of the Board<< an initiatory petition on a form prescribed by the ~~[[Clerk]]~~>>County<< 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 five (5) days of the filing of the form with the Clerk, the Clerk will provide a copy of the form to the County for review.<< Within seven (7) days of receipt of the form, the ~~[[Clerk]]~~>>County<< 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]]~~>>ten<< percent (~~[[20]]~~>>10<<%) of the electors in the proposed incorporation area and shall notify the Board of County Commissioners. >>The department of planning shall also provide the Incorporation Committee with a list of all non-residential property within the proposed incorporation area, by address and folio number.<< If the ~~[[Clerk]]~~>>County<< determines that the form of petition does not comply with the requirements of this Charter or inaccurately describes proposed boundaries, the ~~[[Clerk]]~~>>County<< may disapprove the form of petition and provide notification to the Incorporation Committee and the Board of County Commissioners of the disapproval. The ~~[[Clerk]]~~>>County<< 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]]~~>>County<< 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]]~~ >>After<< approval of the above form by the ~~[[Clerk]]~~ >>County<<, the ~~[[Board of County Commissioners]]~~ >>Boundary Commission<< shall review the appropriateness of the petition for incorporation and proposed municipal charter >>as part of its collective review of all applications of municipal boundary changes submitted during the applicable review period<< and recommend any changes to the boundaries of the proposed municipality and proposed municipal charter to the Incorporation Committee ~~[[at a public hearing]]~~ >>as part of its final report during that respective review period. Notwithstanding the foregoing, the Board of County Commissioners may direct the Boundary Commission to review any such petition(s) and provide a recommendation on an earlier schedule by a two-thirds vote of the members of the Board present<<.
- (b) ~~[[At such public hearing,]]~~ >>After receiving the recommendations of the Boundary Commission regarding any incorporation petition,<< the Board of County Commissioners shall>>, at a public hearing no later than 90 days following the issuance of the Boundary Commission's recommendation,<< 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. >>The Board of County Commissioners may also recommend any changes to the boundaries of the proposed municipality and proposed municipal charter to 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]]~~ >>twelve<< (~~[[6]]~~ >>12<<) months from the date by which the Board was required to have reviewed the incorporation petition to obtain >>(a)<< signatures equal to ~~[[twenty]]~~ >>ten<< percent (~~[[20]]~~ >>10<<%) of the electors in the proposed incorporation area, with signatures on a petition provided by the Clerk>>, and (b) signatures of owners of ten percent (10%) or more of non-residential property within the proposed incorporation area, equal to ten percent (10%) of the total area of such property, with signatures on a petition provided by the Clerk. For signatures of electors,<< ~~[[F]]~~ >>t<<he petition shall require the name, address and signature of the elector and such signatures shall be notarized. >>For signatures of owners of non-residential property, the petition shall require the name and signature of the property owner and a list of parcels

- in the proposed incorporated area owned by such property owner, and such signatures shall be notarized; only one signature per property is required.<<
4. >>For petitions signed by electors,<< [[F]]>>t<<he 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<<. >>For petitions signed by owners of non-residential property, the signed petitions will be submitted to the department of planning, who shall verify whether the listed parcels constitute ten percent (10%) or more of the total area of non-residential property in the proposed incorporation area.<<
5. Upon certification of the sufficiency of the signatures on the petition >>by both the Supervisor of Elections and the department of planning<<, 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 >>both<< the Supervisor of Elections >>and department of planning<< certify>>y<<[[ies]] 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.>>

8. The Board of County Commissioners may, in its discretion, define non-residential property for purposes of this Article and create procedures and criteria for any review and determination as to such.<<

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>>SECTION 6.08. - BOUNDARY COMMISSION

- A. The Boundary Commission shall be comprised of fifteen (15) members who shall serve without compensation. Each member of the Boundary Commission must be a County resident and shall hold such other qualifications as determined by the Board of County Commissioners, but no member may be a current elected official, County or municipal employee, or immediate family member of a sitting County Commissioner or municipal official. One member shall be appointed by the County Mayor; one member shall be a representative of the municipalities, who may be appointed by the Miami-Dade County League of Cities or through other process approved by the Board of County Commissioners; and the remaining thirteen (13) members shall be appointed by the Board of County Commissioners, one member per district commissioner. The members of the Boundary Commission shall serve for a term of six (6) years commencing on January 1, 2027 and each six years thereafter. Any vacancies on the Boundary Commission shall be filled in the same manner as provided for the relevant member's appointment. The Board of County Commissioners may, by ordinance, prescribe such other duties or procedures relating to the Boundary Commission except as otherwise provided in this Charter.
- B. With respect to proposed municipal boundary changes, the Boundary Commission shall review those proposed municipal boundary changes that are referred to the Boundary Commission by the Board of County Commissioners, in its discretion. The timing and schedule of such review by the Boundary Commission shall be as provided herein.
- C. With respect to proposed incorporation proposals, the Boundary Commission shall review (1) incorporation proposals for which a proposed petition for incorporation has been submitted and approved as to form pursuant to Section 6.05B(1); and (2) any other proposed incorporation proposals which are referred to the Boundary Commission by the Board of County Commissioners, in its discretion. The timing and schedule of such review by the Boundary Commission shall be as provided in herein.
- D. The Boundary Commission's purpose shall be to collectively review those proposed municipal boundary changes that are referred to the Boundary Commission by the Board of County Commissioners and those incorporation proposals that are before the Boundary Commission

pursuant to Section C. Such review by the Boundary Commission shall be conducted collectively, once every three years, in the manner provided for herein and as determined by the Board of County Commissioners.

- E. For each three-year review period of the Boundary Commission, all proposals that are referred to or otherwise before the Boundary Commission, as specified in Section C and Section D, shall be reviewed collectively by the Boundary Commission, and the Boundary Commission shall issue a final report at the conclusion of each three-year review period that shall include recommendations as to all such proposals before the Boundary Commission. The Boundary Commission must hold at least one (1) public hearing prior to finalizing its review and may establish its own review schedule, which may include deadlines for proposals to be included within a particular three-year review period, to ensure adequate time for collective review and public hearing prior to the conclusion of the Boundary Commission's review period. Proposals for municipal boundary changes that are referred to the Boundary Commission after such deadline, and any incorporation petitions that meet the criteria in Section C after such deadline, shall be reviewed during the Boundary Commission's next three-year review period. Notwithstanding the foregoing, the Board of County Commissioners may, by a two-thirds vote of the members of the Board present, direct the Boundary Commission to review any such proposal(s) and provide a recommendation on an earlier schedule.
- F. Nothing stated herein shall affect the authority of the Board of County Commissioners to enact moratoria on the consideration of proposals for municipal boundary change and incorporation proposals. For purposes of the Boundary Commission review, if the Board of County Commissioners has enacted a moratorium only with respect to proposals for municipal boundary change or only with respect to incorporation proposals pursuant to Section 6.05A, the Boundary Commission may continue to review those proposals which are not under moratoria, pursuant to the same procedures in this Article. Notwithstanding any moratoria, the Boundary Commission may be informed of any proposal subject to a moratoria that would otherwise be reviewed by the Boundary Commission pursuant to this Article.<<