Memorandum

MIAMI-DADE COUNTY

Date: June 29, 2026

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

From: Daniella Levine Cava
Mayor

Subject: Charter Review Task Force - Final Report

Pursuant to Resolution No. R-225-24, sponsored by Commissioner Danielle Cohen Higgins, the 2025 Miami-Dade County Charter Review Task Force respectfully submits its Final Recommendations Report for consideration by the Miami-Dade Board of County Commissioners by way of this transmittal.

The Task Force was established to conduct a comprehensive review of the Miami-Dade County Home Rule Charter and to recommend any amendments or revisions deemed appropriate. Since its inaugural meeting on July 10, 2025, the Task Force has conducted fifteen public meetings throughout Miami-Dade County, reviewed extensive research and comparative analyses, received presentations from the County's elected Constitutional Officers and County staff, and solicited public input from residents, community organizations, elected officials, and other stakeholders.

Following this extensive review process, the Task Force recommends eight proposed amendments to the Home Rule Charter, as well as an additional recommendation that no amendments affecting the Urban Development Boundary be proposed.

Thank you to Commissioner Cohen Higgins and her staff, the 2025 Charter Review Task Force members, our Constitutional Officers, County staff, subject-matter experts, community stakeholders, and members of the public who provided valuable insight and thoughtful recommendations.

Attachments

C: Geri Bonzon-Keenan, County Attorney
Jess M. McCarty, First Assistant County Attorney
Office of the Mayor Senior Staff
Yinka Majekodunmi, Commission Auditor
Basia Pruna, Director, Clerk of the Board
Eugene Love, Agenda Coordinator
Christina M. Cicilia, Director, Office of Policy and Budgetary Affairs
Department Directors

As Chairman of the 2025-26 Charter Review Task Force, it is my privilege to submit the Task Force's Final Recommendations Report for your consideration. The Charter is the foundation of our local government, and ongoing review of its provisions is essential to ensuring that Miami-Dade County government continues to serve the needs of our residents. That work is only possible through the broad engagement of those who care deeply about Miami-Dade County's future.

On behalf of the Task Force, we extend our sincere appreciation to the Board of County Commissioners and Commissioner Danielle Cohen Higgins as sponsor the legislation creating the Task Force, the Office of Mayor Daniella Levine Cava, the Miami-Dade Sheriff's Office, the Supervisor of Elections, the Clerk of the Board/Clerk and Comptroller, the Property Appraiser, the Tax Collector, the County Attorney's Office, County administrative staff, the Miami-Dade Legislative Delegation, the Miami-Dade League of Cities, and all other residents and partner agencies who contributed their time and expertise to support our work. Your contributions were essential to completing this review in a thorough, transparent, and community-focused manner.

It has been an honor to work alongside you all in service to our community. We look forward to consideration of our recommendations by the Board of County Commissioners.

With gratitude,



Dennis A. Kerbel, Chairman
2025–26 Miami-Dade County Charter Review Task Force

Miami-Dade County Charter Review Task Force

Final Recommendations Report

April 2026

www.miamidade.gov/charter

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I. Executive Summary

Pursuant to Resolution No. R-255-24, sponsored by Commissioner Danielle Cohen Higgins and adopted on March 19, 2024, by the Miami-Dade Board of County Commissioners (Board), the 2025 Miami-Dade County Charter Review Task Force ("Task Force") reviewed the Home Rule Charter of Miami-Dade County. This report outlines the Task Force's final recommendations.

The Task Force convened for the first time on July 10, 2025, and has conducted **15** public meetings, and gathered input from experts, the public, County staff, and Constitutional Officers. After an extensive review process, the Task Force has proposed **8** amendments to the Miami-Dade County Home Rule Charter. In addition, the Task Force has also made a recommendation that no changes to the provisions of the Home Rule Charter relating to the Urban Development Boundary should be proposed.

Charter Review Task Force Recommendations:

- **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, allowing for additional methods of public notice and virtual participation by commissioners when otherwise allowed by state law, and ensuring consistent stylistic conventions for numbering, gender, capitalization, and grammar.

- **Recommendation 3: Establish Independent Salary Commission.** Amend the Charter to create an Independent Salary Commission to determine compensation for the Board of County Commissioners.

- **Recommendation 4: Amend Commissioner Term Limits.** Amend the Charter's term limits provision to provide that County Commissioners shall be eligible to be elected for a maximum of three four-year terms in total.[1]

- **Recommendation 5: Length of District Residency to Run for County Commissioner.** Amend the Charter to require candidates for County

[1] The Charter Review Task Force recommends that this particular amendment be placed on the 2028 ballot rather than the 2026 ballot.

Commission to have been a registered elector of the district for at least 365 days prior to the start of the qualifying period.

- **Recommendation 6: Revisions to Process for Calling Election to Fill Commission Vacancy and Municipal Qualifying Dates.** Amend the Charter to allow Board to take action on a prospective resignation to call an election that would sync up with other elections and establishing minimum standards for municipal qualifying dates.

- **Recommendation 7: Ineligibility of Appointed Commissioner to Run in Next Election.** Amend the Charter to prohibit individual appointed to fill County Commission vacancy to run for the office that he or she was appointed to at next countywide election.

- **Recommendation 8: Establish Boundary Commission.** Amend the Charter to create a Boundary Commission to evaluate proposed annexations and incorporations on a regular three-year cycle and provide comprehensive recommendations to Board at end of each cycle.

- **Recommendation 9: Urban Development Boundary.** Recommend that those provisions of the Home Rule Charter that relate to the Urban Development Boundary should remain in their current form and no amendment to those provisions should be proposed.

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 preliminary findings report to the Board by November 2025
- Submit a final report to the Board by May 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: (1) Constitutional Offices, (2) Government Structure, (3) Annexation and Incorporation, (4) Land Use and Sea Level Rise, (5) Budget Processes, and (6) Parks (Article 7).

B. 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. The Task Force considered the constitutional officers' proposals and other related proposals over the course of several meetings. Some of those recommendations were accepted as part of 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. A first round of such edits were presented to the Task Force, approved during the September 5, 2025 Task Force meeting, and included in the Task Force's Initial

Report. Then, between September and April, the Task Force identified several additional technical amendments that could optimize certain County processes such as notice and virtual meeting requirements. All of those recommended technical changes have been grouped together in a single recommendation (Recommendation 2).

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

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; September 5, 2025 Task Force meeting) (Additional changes passed by motion 8-0; March 24, 2026 Task Force meeting).*

Recommendation 2: Miscellaneous Matters and Technical Changes. Amend the Charter to make certain technical changes, including updating certain listed County locations to current name, allowing for additional methods of public notice and virtual participation by commissioners when otherwise allowed by state law, and ensuring consistent stylistic conventions for numbering, gender, capitalization, and grammar *(Original changes passed by motion 10-0; September 5, 2025 Task Force meeting) (Additional changes passed by motion 10-0; November 17, 2025 Task Force meeting)*.

Recommendation 3: Independent Salary Commission. Amend the Charter to create an independent Salary Commission to determine compensation for the Board of County Commissioners *(Motion passed 9-1; October 27, 2025 Task Force meeting)*.

Recommendation 4: Commissioner Term Limits. Amend the Charter's term limits provision to provide that County Commissioners shall be eligible to be elected for a maximum of three four-year terms in total; this amendment is recommended to be presented on the 2028 ballot rather than the 2026 ballot *(Motions passed 10-0; October 27, 2025 Task Force meeting)*.

Recommendation 5: Length of District Residency to Run for County Commissioner. Amend the Charter to require candidates for County Commission to have been a registered elector of the district for at least 365 days prior to the start of the qualifying period *(Motion passed 10-0; November 17, 2025, Task Force meeting)*.

Recommendation 6: Revisions to Process for Calling Election to Fill Commission Vacancy and Municipal Qualifying Dates. Amend the Charter to allow Board to take action on a prospective resignation to call an election that would sync up with other elections and establishing minimum standards for

municipal qualifying dates *(Motion passed 7-1; January 27, 2026 Task Force meeting).*

Recommendation 7: Ineligibility of Appointed Commissioner to Run in Next Election. Amend the Charter to prohibit individual appointed to fill County Commission vacancy to run for the office that he or she was appointed to at next countywide election *(Motion passed 6-2; January 27, 2026 Task Force meeting).*

Recommendation 8: Establishing Boundary Commission for Annexations and Incorporations. Amend the Charter to create a Boundary Commission to evaluate proposed annexations and incorporations on a regular three-year cycle and provide comprehensive recommendations to Board at end of each cycle *(Motion passed 8-0; March 24, 2026 Task Force meeting) (Additional changes passed by motion 9-0; April 7, 2026 Task Force meeting).*

Recommendation 9: Urban Development Boundary. Recommend that those provisions of the Home Rule Charter that relate to the Urban Development Boundary should remain in their current form and no amendment to those provisions should be proposed *(Motion passed 8-0; March 24, 2026 Task Force meeting).*

C. Research

The Task Force made Charter change 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. Task Force members were provided with 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. Staff also prepared financial information related to annexation and incorporation as well as the governance of parks.

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.

D. Public Meetings and Input

In addition to relying on extensive research, the Task Force reached its recommendations after conducting 15 public meetings, which provided the public an opportunity to provide input to the Task Force and to recommend changes to the Charter. The Task Force 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.: County Commission Chambers
- 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
- November 17, 2025, at 9:30 a.m.: County Commission Chambers
- December 1, 2025, at 10:30 a.m.: Stephen P. Clark Government Center, Conference Room 18-3
- January 15, 2026, at 5:30 p.m.: Homestead City Hall
- January 27, 2026, at 10:00 a.m.: County Commission Chambers
- February 23, 2026, at 5:30 p.m.: Westchester Regional Library
- March 24, 2026, at 10 a.m.: County Commission Chambers
- April 7, 2026, at 10 a.m.: County Commission Chambers
- April 28, 2026, at 10 a.m.: County Commission Chambers

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

In addition to representatives of the Constitutional Officers, more than a dozen residents and community stakeholders provided public comments at the Charter Review meetings, including Miami-Dade County Commissioner Oliver G. Gilbert III; former Miami-Dade County Commissioner Barbara J. Jordan; the Brownsville Civic Neighborhood Association; and representatives from the League of Women Voters of Miami-Dade County, the Miami-Dade County League of Cities, and *Miami's Community Newspapers*, among others.

In compliance with Resolution No. R-225-24, the Task Force held four regional public meetings in North, South, West, and Central Miami-Dade County. As with all convenings of the Task Force, the public could 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; on October 27,

2025, at 5:00 p.m. at the North Dade Regional Library; on January 15, 2026, at 5:30 p.m. at Homestead City Hall; and on February 23, 2026, at 5:30 p.m., at Westchester Regional Library.

E. 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) 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. During the Charter Review process, the public could submit comments to the Task Force via email at charter@miamidade.gov. All comments received were provided to Task Force members for review.

Moreover, per Florida Statute, sunshine meeting notices were circulated and posted online to the County calendar in advance of each meeting. The *Miami Today* consistently reported on the 2025 Charter Review Task Force activities. *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, and *Miami's Community Newspapers,* a local newspaper covering issues across Miami-Dade County.

IV. Other Amendments Considered but Not Adopted

Throughout the review process, the Task Force reviewed proposals that were considered but not adopted. [2] The proposed recommendations are fully memorialized in the minutes (see **Appendix C**). This section outlines formal proposals that were presented but not adopted after a vote:

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[2] Additional matters that were introduced by a Task Force member but ultimately did not become motions are not included in this listing but rather are captured in the Clerk of the Board's meeting minutes (see Appendix D). These matters include, but are not limited to: (1) Mayor Steven D. Losner introducing the topic of the reconfiguration of districts and methodology of Commission Chairperson selection, including proposed countywide elections for Chairperson and Vice Chairperson of the Board of County Commissioners and the suggestion of three (3) at-large member districts and nine (9) single-member districts rather than the current 13 single-member district system. Research on the district reconfiguration topic was requested by the Task Force and completed by County staff, but no formal discussion or motion took place (*July 10, 2025 Task Force meeting; September 9, 2025 Task Force meeting*); (2) Task Force Member 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 to improve County-municipal responses, but no formal discussion or motion took place (*July 10, 2025 Task Force meeting*); (3) Task Force Chairman Dennis Kerbel outlined a discussion to examine the relationship between the Mayor and the Board under the strong mayor system but ultimately no formal discussion or motion took place (*September 5, 2025 Task Force meeting*); (4) Mayor Andre Pierre introduced the topic of water service areas, the associated distributions to municipalities, surcharges, and how this process is governed. County staff addressed the topic but ultimately no motion to amend the Charter was put forward (*November 17, 2025 Task Force Meeting; December 1, 2025 Task Force meeting*).

- The constitutional officers' joint proposal to create the right for constitutional officers to attend and be heard at any regular or special open session meeting of the Board (*motion failed 9-1; August 25, 2025 Task Force meeting*).

- The constitutional officers' joint proposal to alter Section 1.01A(20) to strike "reports from all county officers" from the Board's investigative oversight authority (*motion to reject the proposal passed 10-0; August 25, 2025 Task Force meeting*).

- A motion to require a special election when there is an unforeseen vacancy and the remainder of the term is more than one year (*motion failed 4-6; November 17, 2025 Task Force meeting*).

V. 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 **15** public meetings and collaboration with County staff, current and former County elected officials, elected constitutional officers, and experts, the Task Force has proposed **8** amendments to the Charter as well as a recommendation that no changes to the provisions of the Home Rule Charter relating to the Urban Development Boundary should be proposed.

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 well as optimizing certain County processes such as notice requirements and virtual meeting allowances for commissioners to the extent permitted by state law. Recommendation 3 establishes an Independent Salary Commission to determine compensation for the Board of County Commissioners. Recommendation 4 modifies commissioner term limits. Recommendation 5 amends the length of district residency to run for County Commission. Recommendation 6 amends the Charter to allow the Board to take action on a prospective resignation to call an election that would sync up with other elections and establishes minimum standards for municipal qualifying dates. Recommendation 7 amends the Charter to prohibit an individual appointed to fill a County Commission vacancy to run for the office that he or she was appointed to at the next countywide election. Recommendation 8 amends the Charter to establish a Boundary Commission to review all applications for municipal boundary changes initiated by the governing body of a municipality or by a petition of any person or group concerned. Recommendation 9 recommends the provisions of the Home Rule Charter that relate to the Urban Development Boundary remain in their current form and no amendment to those provisions should be proposed.

Appendix A - Charter Review Task Force Appointments

Members	Appointing District/Entity
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

RECOMMENDATION NO. 1

REVISIONS DUE TO THE REESTABLISHMENT OF ELECTED COUNTY CONSTITUTIONAL OFFICES

Proposed Ballot Language

BALLOT TITLE:

CHARTER AMENDMENT
REVISIONS DUE TO REESTABLISHMENT OF ELECTED COUNTY CONSTITUTIONAL OFFICES

BALLOT SUMMARY:

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

Proposed Amendments to Home Rule Charter

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>>, or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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>>, or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election,<< 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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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 (⅔) 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~~]]>>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 percent (20%) of the electors in the proposed incorporation area and shall notify the Board of County Commissioners. 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 approval of the above form by the [[~~Clerk~~]]>>County<<, 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.

RECOMMENDATION NO. 2

MISCELLANEOUS MATTERS AND TECHNICAL CHANGES

Proposed Ballot Language

BALLOT TITLE:

CHARTER AMENDMENT
MISCELLANEOUS MATTERS AND TECHNICAL CHANGES

BALLOT SUMMARY:

Shall the Home Rule Charter be amended to make certain technical changes, including updating certain listed County locations to current name, allowing for additional methods of public notice and participation when otherwise allowed by state law, and ensuring consistent stylistic conventions for numbering, gender, capitalization, and grammar?

Proposed Amendments to Home Rule Charter

MIAMI-DADE COUNTY HOME RULE CHARTER
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.

CITIZENS' BILL OF RIGHTS

(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 ensure 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 >>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.

(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

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 (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 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~~]]>>in any manner authorized by state law for publication of legally required advertisements and public notices<< 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 >>or other identifying information, such as a unique legislative number,<< 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 [[~~in a daily newspaper of general circulation~~]]>>any manner authorized by state law for publication of legally required advertisements and public notices<<.

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 >>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.

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. >>Nothing herein shall prohibit members of the Commission from establishing their presence for purposes of quorum, or otherwise participating in meetings, by electronic means unless otherwise prohibited by state law.<<

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."

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 5. - ADMINISTRATIVE ORGANIZATION AND PROCEDURE

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 >>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 >>or her<< 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 >>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. 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. 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 (⅔) 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 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.

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 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 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

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 >>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. 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 >>Miami<<, Tamiami Stadium, [[~~Haulover Fishing Pier,~~]] the >>Miami-<<Dade County Auditorium, the >>Phillip and Patricia Frost<< 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 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 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 >>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 >>or her<< 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.

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 >>Public Service<<[[~~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 >>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.

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 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, 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.

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.

RECOMMENDATION NO. 3

ESTABLISH AN 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.

E. 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 two (2) public hearings 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.

F. 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.<<

RECOMMENDATION 4
COUNTY 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~~]]>>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.~~]]

RECOMMENDATION NO. 5

LENGTH OF RESIDENCY IN DISTRICT

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~~]] >>365 days<< and within the County for at least three years before >>the start of the<< qualifying >>period<< and who shall be elected by the qualified electors of his or her district.

RECOMMENDATION NO. 6

ALLOWING BOARD TO SYNC UP WITH OTHER ELECTION AND ESTABLISHING MINIMUM STANDARD FOR MUNICIPAL QUALIFYING DATES

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 >>of the effective date of the vacancy<<, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. >>However, if the vacancy is a result of an irrevocable resignation to run for another office, the Board may also take action anytime between the submission of the irrevocable resignation and the effective date of the resignation in order to call for an election filling the vacancy to be held at the same time as another available election already scheduled for no later than 90 days after the effective date of the resignation.<< 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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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 >>a candidate is elected at<< 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>>, or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election,<< 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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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.

NOTE: Text that has been highlighted in yellow shows the proposed amendment for this recommendation. Text that has been highlighted in green shows proposed amendments from a different recommendation, specifically Recommendation No. 2.

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 6.08. – QUALIFICATION OF MUNICIPAL OFFICERS.

Notwithstanding any provision of a municipal charter, the qualification period for any elected municipal office in a regularly scheduled election shall, at a minimum, commence no later than the 84th day and conclude no later than the 70th day prior to the date of the relevant regularly scheduled election. A municipality may adopt any additional regulations governing qualification for municipal elections to the extent not inconsistent with this Charter, any ordinance adopted hereunder, or state law.<<

NOTE: Text that has been highlighted in yellow shows the proposed amendment for this recommendation. Text that has been highlighted in green shows proposed amendments from a different recommendation, specifically Recommendation No. 2.

RECOMMENDATION NO. 7

APPOINTEE INELIGIBLE TO RUN

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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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 >>and shall not be eligible to run for the office that he or she was appointed during the next countywide election<<. A person elected shall serve for the remainder of the unexpired term of office >>and shall be eligible to run for that office during the next relevant countywide election unless otherwise prohibited by applicable term limits<<. 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>>, or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election,<< 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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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.

NOTE: Text that has been highlighted in yellow shows the proposed amendment for this recommendation. Text that has been highlighted in green shows proposed amendments from a different recommendation, specifically Recommendation No. 2.

RECOMMENDATION NO. 8

ESTABLISHING BOUNDARY COMMISSION FOR ANNEXATION AND INCORPORATIONS

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 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 (⅔) 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,<< [[~~T~~]]>>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,<< [[~~T~~]]>>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<< certif>>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.<<

* * *

>>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.<<

RECOMMENDATION NO. 9

NO CHANGES TO URBAN DEVELOPMENT BOUNDARY PROVISIONS

The Charter Review Task Force recommends that those provisions of the Home Rule Charter that relate to the Urban Development Boundary should remain in their current form and no amendment to those provisions should be proposed.

Appendix C - 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 10TH, 2025

The Miami-Dade Charter Review Task Force (CRTF) convened an in-person meeting at the Stephen P. Clark Government Center at 111 NW 1st 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;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, 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.

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).

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

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:

- 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), 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.

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).

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.

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

AGENDA ITEM NO.	DESCRIPTION
-	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

ATTACHMENT 1

Miami-Dade County
Charter Task Force Members

Members	Appointing District/Entity	Appointment Status
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

REVISED: JULY 2, 2025 10:26 AM

ATTACHMENT 2

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

MEMORANDUM
(Revised)

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

DATE: March 19, 2024

FROM: Geri 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	

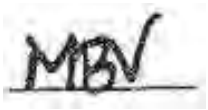
The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of March, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override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

ATTACHMENT 3

THE

HOME RULE AMENDMENT

AND

CHARTER

(AS AMENDED THROUGH NOVEMBER 8, 2022)

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.

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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:*

ARTICLE VIII, SECTION 6 FLORIDA CONSTITUTION 1968

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

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.

(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

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

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."

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

ARTICLE - 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

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

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

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

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

SECTION 10.01. **NAME OF COUNTY.**

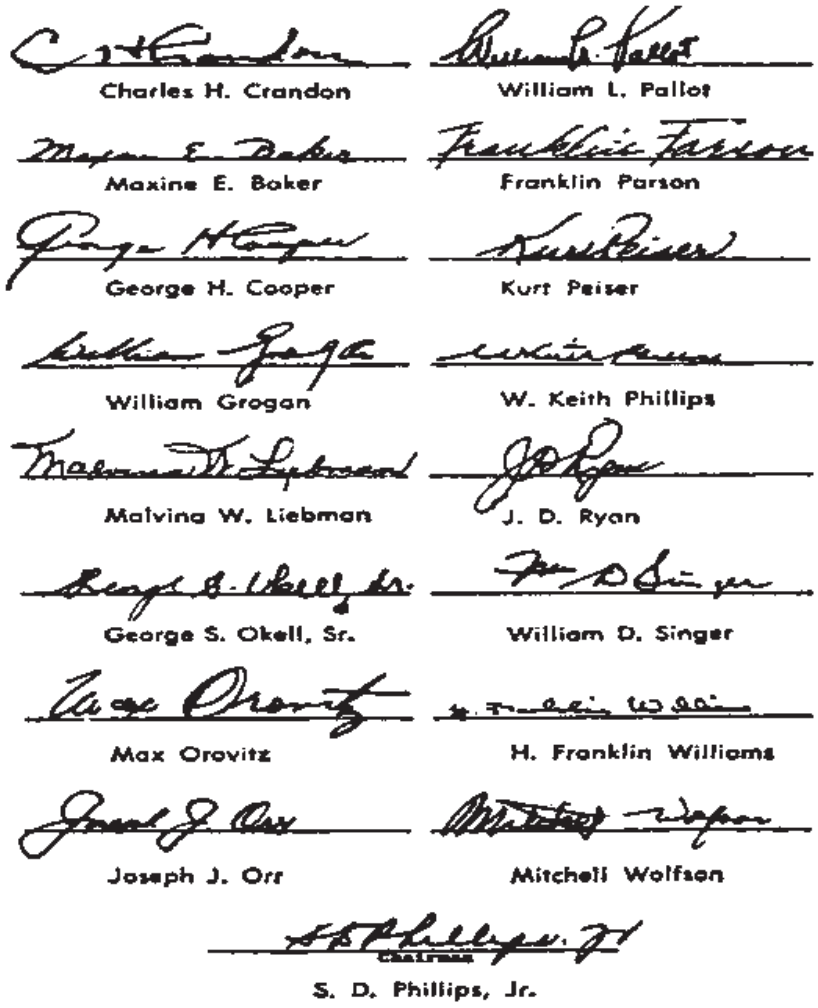
A. The name of Dade County shall officially be changed to Miami-Dade County and all references to Dade County in the Florida Constitution, Florida Statutes, Code of Metropolitan Dade County, federal law, case law and other legal documents, shall be deemed to be references to Miami-Dade County.

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.



April 15, 1957

ORIGINAL CERTIFICATION OF CHARTER BOARD

April 15, 1957

ATTACHMENT 4

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

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

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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 60th 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[1]	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[2]	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[3]	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[4]	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.

[1] George Burgess resigned and was replaced by Anna-Bo Emmanuel
[2] Maurice Ferre resigned
[3] Luis E. Gonzalez resigned and was replaced by Paul Hernandez
[4] 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) 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 pubic was able to send comments to the Task Force by visiting the website and submitting suggestions or via email at 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

<u>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.</u>

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.

<u>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.</u>

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 Vive-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 15th 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.

ATTACHMENT 5

2018 General Election

	For	Against
COUNTY REFERENDUM 1 **Charter Amendment Relating to Nonpartisan Election of Clerk of the Circuit Court** 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?	61.12% (437,128)	38.88% (278,017)
COUNTY REFERENDUM 2 **Charter Amendment Relating to County Appointed Officials and Employees Running for Certain Elective Office** 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?	55.96% (394,131)	44.04% (310,174)
COUNTY REFERENDUM 3 **Charter Amendment Relating to Review of Initiatory Petitions for Legal Sufficiency** 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?	61.31% (420,964)	38.69% (265,681)
COUNTY REFERENDUM 4 **Charter Amendment Regarding Elections for County Commissioners and Mayor** 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?	69.52% (508,164)	30.48 (222,763)
COUNTY REFERENDUM 5 **Charter Amendment Prohibiting Certain Payments Circulators of Initiatory Petitions** 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?	66.54% (476,059)	33.46% (239,361)

2020 General Election

	For	Against
COUNTY REFERENDUM 1 **Home Rule Charter Amendment Establishing Independent Inspector General** 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?	73.72% (754,383)	26.28% (268,991)
COUNTY REFERENDUM 2 **Charter Amendment Regarding Elections to Fill Mayor or Commission Vacancies During Primary and General Elections** 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?	78.40% (808,689)	21.60% (222,805)
COUNTY REFERENDUM 3 **Nonpartisan Election of County Sheriff, Property Appraiser, Tax Collector and Supervisor of Elections** 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?	48.83% (501,486)	51.17% (525,560)

2022 General Election

	For	Against
COUNTY REFERENDUM 1 **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?	81.24% (515,631)	18.76% (119,089)
COUNTY REFERENDUM 2 **Charter Amendment Requiring Voter Approval for Changes to Governing Structure of County Transportation Assets** 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?	79.84% (507,180)	20.16% (128,041)

Commission Chambers Availability
July – December 2025

July

Weekday	Dates	Times	Conflict
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

Weekday	Dates	Times	Conflict
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

Weekday	Dates	Times	Conflict
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

Weekday	Dates	Times	Conflict
Monday	11/3	9:00-1:00	

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

Weekday	Dates	Times	Conflict
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	

ATTACHMENT 7

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)
23 CDMP/ZONING 9:30 AM/ RESCH. TO 01/30/2024
28 COMMITTEE OF THE WHOLE 9:30 AM
30 CDMP/ZONING 9:30 AM
30 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
30 TPO 2:00PM

FEBRUARY

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	

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- FPC 11:30 AM (TENTATIVE)
27 TPO 2:00PM

MARCH

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					

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
		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			

1 REGULAR 9:30 AM
1 JOINT BCC & YOUTH COMMISSION 9:30 AM
1 JOINT BCC & CITY OF HIALEAH SPECIAL MTG 11:00 AM
2 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
7 PC 9:00 AM/CANC. - IITC 11:00 AM/CANC. - RTC 2:00 PM/CANC.
8 TC 9:00 AM/CANC. - SHC 11:00 AM/CANC. - HC 2:00 PM/CANC.
9 AC 9:00 AM/CANC. - APC 11:00 AM/CANC. - PRC 2:00 PM/CANC.
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- FPC 11:30 AM (TENTATIVE)
24 TPO 2:00PM
29 CDMP/ZONING 9:30 AM

MAY

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

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- FPC 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 - FPC 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
		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		

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- FPC 11:30 AM (TENTATIVE)
17 TPO 2:00PM

AUGUST

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						

1 REGULAR 9:30 AM

REGULAR
CMTE./SUBCMTE. (SEE REVERSE SIDE)
ZONING & CDMP
TPO & TPO CMTE. (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- FPC 11:30 AM (TENTATIVE)
25 TPO 2:00PM

OCTOBER

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	

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- FPC 11:30 AM (TENTATIVE)
30 TPO 2:00PM

NOVEMBER

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						

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
	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			

2 REGULAR 9:30 AM
3 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
4 TMC 10:30 AM- FPC 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

Latest Revision on 6/11/2025 8:33 AM

Prepared by the Clerk of the Board Division

2025 CALENDAR OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS

COMMISSION COMMITTEES

AIRPORT COMMITTEE (AC)
APPROPRIATIONS COMMITTEE (APC)
HOUSING COMMITTEE (HC)
INFRASTRUCTURE, INNOVATION, AND TECHNOLOGY COMMITTEE (IITC)
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.	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	FL. Legislature Session Begins
Mar. 19	FAC Leg. Day in Tallahassee
Mar. 24 - Mar. 28	Spring Break
May 2	FL. 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.
Mar. 4 - Munic. Run-Off
- Gen. Munic. Elect.
Mar. 18 - 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.
Oct. 7 - Munic. Primary Elect.
Nov. 4 - Munic. Primary Elect.
- Gen. Munic. Elect.
Nov. 18 - Gen. Munic. Elect.
- Munic. Run-Off

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 22ND	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 & MILIAN 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

Latest Revision on 6/11/2025 8:33 AM

Prepared by the Clerk of the Board Division

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

July 10th, 2025

Charter Review Task Force Member
Miami-Dade County
111 NW 1st 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>
Sent: Thursday, July 10, 2025 9:25 AM
To: Khunjar Breakenridge, Kerry (COC) <Kerry.KhunjarBreakenridge@miamidadeclerk.gov>
Cc: Rouland, Tivia (Office of the Mayor) <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
111 NW 1st Street, 29th Floor, Miami, FL 33128

From: Khunjar Breakenridge, Kerry (COC) <Kerry.KhunjarBreakenridge@miamidadeclerk.gov>
Sent: Thursday, July 10, 2025 9:23:35 AM
To: Henderson, Demetria (Office of the Mayor) <Demetria.Henderson@miamidade.gov>
Cc: Rouland, Tivia (Office of the Mayor) <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 1st Street, Suite 17-202
Miami, FL 33128
Phone: 305-375-5108
Cell Number: 305-495-9778
Email: Kerryk@miamidadeclerk.gov

Web: **www.miami-dadeclerk.com**

From: Henderson, Demetria (Office of the Mayor) <Demetria.Henderson@miamidade.gov>
Sent: Thursday, July 10, 2025 7:31 AM
To: Khunjar Breakenridge, Kerry (COC) <Kerry.KhunjarBreakenridge@miamidadeclerk.gov>; Momplaisir, Shania (COC) <Shania.Momplaisir@miamidadeclerk.gov>; Pruna, Basia (COC) <Basia.Pruna@miamidadeclerk.gov>
Cc: Damian de la Paz, Jorge (Office of the Mayor) <Jorge.DamiandelaPaz@miamidade.gov>; Rouland, Tivia (Office of the

Mayor) <Tivia.Rouland@miamidade.gov>; Guerra-Macias, Lorena (Office of the Chair) <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
111 NW 1st Street, 29th 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.

- 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.

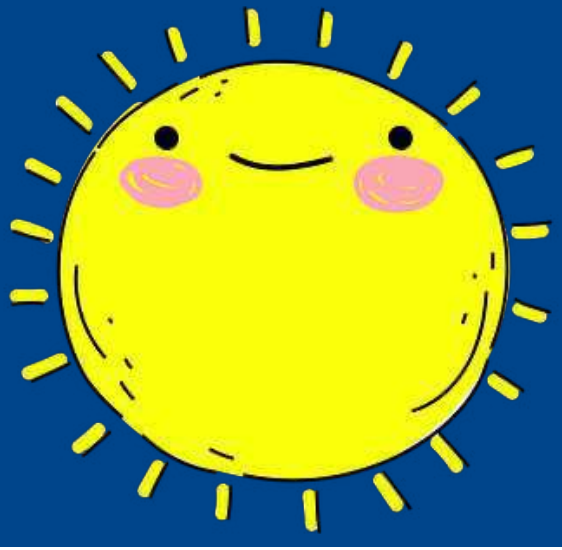
- The Ethics Commission has three main functions:

  - 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.

Government in the Sunshine F.S. Section 286.11

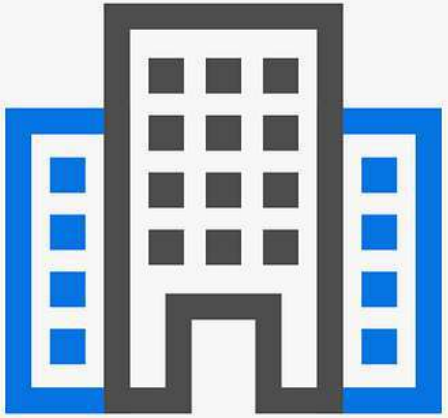


Basic Rules

- 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

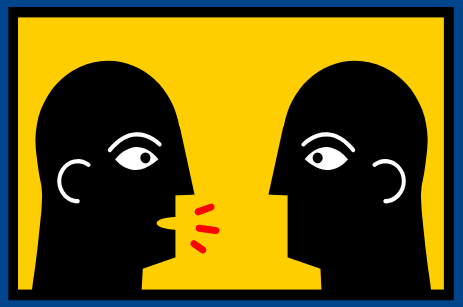
- "In order for there to be a violation of F.S. 286.011, a meeting between TWO OR MORE public officials must take place which violates the spirit, intent, and purpose. The obvious intent of the [Sunshine Law] was to cover any gathering of some of the members of a public board where members discuss some matters on which **FORESEEABLE ACTION** may be taken by the board." (Emphasis added) *Hough v. Stembridge*, 278 So.2d 288 (Fla. 3rd 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

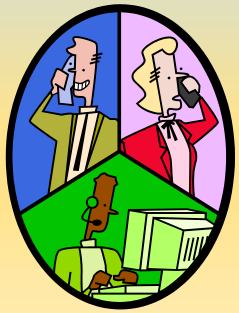




- The Sunshine Law prohibits one-way oral communications between board members, i.e., where one party speaks and the second party does not respond.
- A one-way electronic or written communication by a board member is permissible if it is kept as a public record and there is no response to it from another 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.



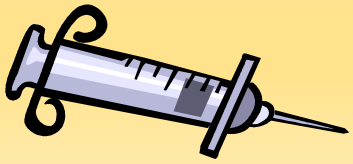
Opportunity to be Heard, F.S. Sec. 286.0114

- 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)

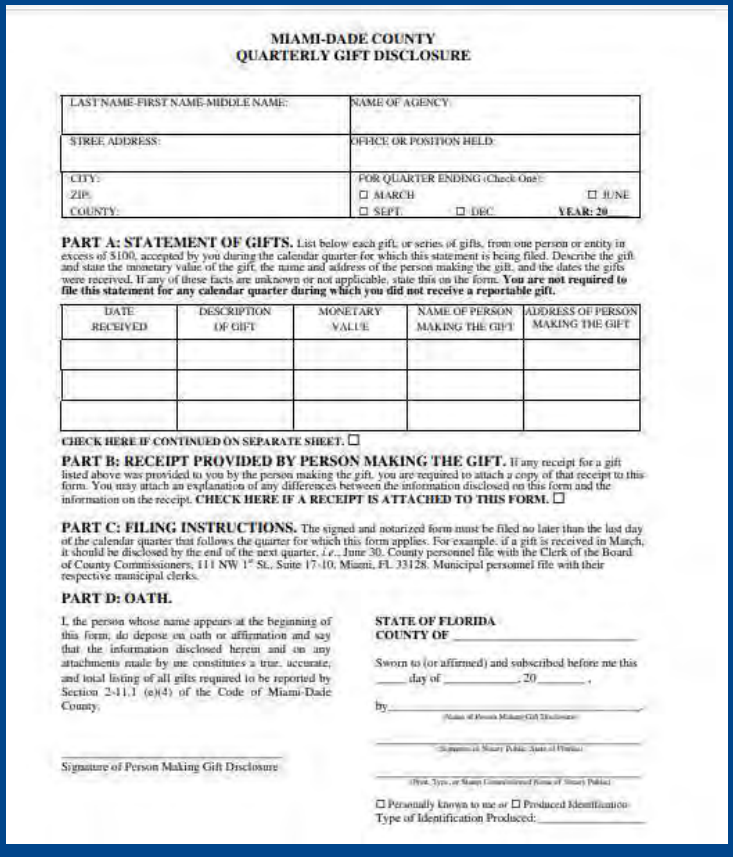
• Gifts solicited by county or municipal employees or officials on behalf of the local government in performance of their official duties for use solely by the governmental entity in conducting its official business. *With the approval of a department director, mayoral staff or elected official.* 2-11.1(e)(2)(f)

• 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).

GIFT DISCLOSURE

MIAMI -DADE ETHICS CODE SEC. 2-11.1(E)(4)

- 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:
STREE ADDRESS:	OFFICE OR POSITION HELD:
CITY: ZIP: COUNTY:	FOR QUARTER ENDING (Check One): ☐ MARCH ☐ JUNE ☐ SEPT. ☐ DEC. YEAR: 20

PART A: STATEMENT OF GIFTS. List below each gift, or series of gifts, 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 dates the gifts were received. If any of these facts are unknown or not applicable, state this on the form. **You are not required to 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

CHECK HERE IF CONTINUED ON SEPARATE SHEET. ☐

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 form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt. **CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM.** ☐

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, it should be disclosed by the end of the next quarter, *i.e.*, June 30. County personnel file with the Clerk of the Board of County Commissioners, 111 NW 1st St., Suite 17-10, Miami, FL 33128. Municipal personnel file with their respective municipal clerks.

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 attachments made by me constitutes a true, accurate, and total listing of all gifts required to be reported by Section 2-11.1 (e)(4) of the Code of Miami-Dade County.

Signature of Person Making Gift Disclosure

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)

(Print, Type, or Stamp Commissioned Name of Notary Public)

☐ 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(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(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

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Telephone: (305) 579-2594

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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. Vázquez, 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)

"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

"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

- 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?

- 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?

- 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
Authority flows from Florida Constitution	Authority flows from state legislature
Powers defined by Florida Constitution: "all powers of local self-government not inconsistent with general law"	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
Conflict between county and municipal ordinances governed by county charter	Ordinances yield to conflicting municipal ordinances within municipal boundaries

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

- 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)

"… [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)

"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

- 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

- 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

- 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

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

Stephen P. Clark Center
Commission Chambers
111 NW 1st Street
Miami, Florida
August 1, 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

2024 V1

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
AUGUST 1st, 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 Homestead 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 118); 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;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, 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.

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

requiring County discretion would require separate amendments. He offered to provide examples of past cleanup amendments.

V – PRESENTATIONS

A. SUPERVISOR OF ELECTIONS

Ms. Alina 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.

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.

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.

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

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. Review the 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 the powers of the Office of Inspector General to clarify differences or eliminate overlapping authority;
6. Transferring creation of municipalities duties to the 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 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 be transferred for efficiency, though his office could perform the tasks. 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

   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 Tax Collector 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.

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.

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

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.



Chairman Dennis Kerbel

Charter Review Task Force

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
August 1, 2025

Prepared by: Bryce Stephenson-Pickett

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	CHARTER REVIEW TASK FORCE 8/1/25 AGENDA
V – A	PRESENTATION A: SUPERVISOR OF ELECTIONS
V – B	PRESENTATION B: PROPERTY APPRAISER
V – C	PRESENTATION C: CLERK OF COURT AND COMPTROLLER
V – D	PRESENTATION D: SHERIFF'S OFFICE
V – E	PRESENTATION E: TAX COLLECTOR
-	FORM: SEXUAL HARASSMENT PREVENTION TRAINING ACKNOWLEDGEMENT
-	CHARTER REVIEW TASK FORCE AVAILABILITY RESPONSES OVERVIEW

Miami-Dade County Charter Review Task Force Agenda
Official Version
Friday, August 1, 2025
10:00 AM
Main Library

I. Roll Call

II. Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

IV. Topic Introduction & Background

V. Presentations

- A. Supervisor of Elections
- B. Property Appraiser
- C. Clerk of Court and Comptroller
- D. Sheriff's Office
- E. Tax Collector

VI. Comments/Discussion by Task Force members

- A. Proposed Amendments and/or Revisions to the Home Rule Charter related to the Constitutional Offices
- B. Staff Updates
- C. Other Discussion Items

VII. Adjournment

Supervisor of Elections

Powers, Duties, Responsibilities, and Home Rule Charter Recommendations

Miami-Dade Charter Review Task Force Presentation

August 1, 2025

Who We Are

- County Constitutional Officers created by the Florida Constitution.
- Separate governmental unit of county authority governed by state not county law.
  - Prior to an amendment to the Florida Constitution effective in 2025, the Supervisor of Elections, along with the other Miami-Dade County Constitutional Officers, were part of Miami-Dade County.
  - Current MDC Home Rule Charter reflects prior status of Supervisor of Elections.
- Elected on a partisan basis during the general election for a four-year terms.

What We Do

- Supervisor of Elections serve as the election officers of their counties with the power, duty, and responsibility to:
  - Administer elections in the county;
  - Conduct voter registration;
  - Educate voters on election procedures and processes;
  - Issue voter information cards;
  - Provide vote-by-mail voting, early voting and election day voting;
  - Certify validity of petitions

What We Do

- Maintain election equipment;
- Hire and train election workers;
- Rent and equip polling places;
- Provide information and statistics on voter registration, voting and elections;
- Qualify candidates for office; and
- Receive state required campaign finance reports

Salary and Budget

- The Supervisor of Elections compensation is set by state law and paid by the Board of County Commissioners.
- The process for establishing the county's portion of the budget for the Office of the Supervisor of Elections is set forth in state law:
  - A proposed tentative budget is presented to the Board of County Commissioners by June 1;
  - The Board of County Commissioners receives and examines the tentative budget and, subject to notice and hearing requirements of any changes, approves the county's portion of the budget of the Office of the Supervisor of Elections along with the county budget.
- The process set forth in state law can not be amended or modified by the Miami-Dade County Home Rule Charter.

Salary and Budget

- Although partially funded by the county, state law preserves the independence of the Supervisor of Elections including all decisions relating to:
  - Purchase of supplies and equipment;
  - Selection of personnel;
  - Hiring, firing, and setting of salaries of Supervisor of Elections personnel.

How we Serve

- In Miami-Dade County the Supervisor of Elections:
  - Employs 151 permanent staff and up to 2,000 temporary staff during general elections.
  - Manages 762 precincts and 526 polling places.
  - Serves over 1,630,000 registered voters.
  - Conducts as many as 30 federal, state, county and municipal elections every year.
  - Provides year-round voter outreach, voter registration and voter education services.

Proposed Home Rule Charter Changes

The Charter contains multiple provisions which are unconstitutional vestiges of when the County Constitutional Officers were part of the Miami-Dade County and governed by Miami-Dade County law.

This is no longer the case:

"**There shall be** elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, **a supervisor of elections**, and a clerk of the circuit court…**Notwithstanding subsection 6(e) of this article, a county charter may not abolish the office of** a sheriff, a tax collector, a property appraiser, **a supervisor of elections**, or a clerk of the circuit court; **transfer the duties of those officers to another officer or office**; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of the county."

General Constitutional Officer Recommendations

MDHRC, Sec. 1.01(a)(19) - POWERS

By ordinance, abolish or consolidate the office of constables, or any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, >>to abolish or impair the jurisdiction, responsibilities, powers or duties of the County Constitutional Officers set forth in the Florida Constitution or by general law, except as provided 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.

General Constitutional Officer Recommendations

MDHRC, Sec. 9.01. - ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS

SECTION 9.01. - [[~~ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS~~]]>>COUNTY CONSTITUTIONAL OFFICERS<<]].

[[~~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~~.]]

General Constitutional Officer Recommendations

>>A. The County shall not abolish, impair or transfer the jurisdiction, responsibilities, powers or duties of the County Constitutional Officers set forth in the Florida Constitution and general law except as permitted therein.

B. The County 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 at such meetings, on matters within their jurisdiction, responsibilities, powers or duties.

C. The County may enter into contracts with the County Constitutional Officers for the joint performance or performance by one on behalf of the other of any authorized function of such government unit.<<

Supervisor of Elections Recommendations

MDHRC, Sec. 3.04(A) -QUALIFICATIONS AND FILING FEE

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.~~]]

See, Fla. Stat. Sec. 99.061(2) ("each person seeking to qualify for nomination or election to a county office … shall file his or her qualification papers with, and pay the qualifying fee, … to, the supervisor of elections of the county, or shall qualify by the petition process pursuant to s. 99.095 with the supervisor of elections…")

Supervisor of Election Recommendations

MDHRC, Sec. 3.04(B)- QUALIFICATIONS AND FILING FEE

Notwithstanding the foregoing, a person who seeks to qualify as a candidate for the office of Mayor or County Commissioner and who meets the >>candidate <<petition requirements of >>general law<< 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 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~~]].

See, Fla. Stat. Sec. 99.061(2) ("each person seeking to qualify for nomination or election to a county office ... shall file his or her qualification papers with, and

Supervisor of Elections Recommendations

MDHRC, Sec. 6.05(B)(4) - CREATION OF NEW MUNICIPALITIES

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<<.

See, Fla. Stat. Sec. 99.097 (providing for the process by which the Supervisor processes petitions).

Supervisor of Elections Recommendations

MDHRC, Sec. 6.05(B)(5) - CREATION OF NEW MUNICIPALITIES

Upon certification of the sufficiency of the signatures on the petition, the [[~~Supervisor of Elections~~]] >>Incorporation Committee<< 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 such other time as the Supervisor of Elections provides for 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.

See, Sec. 100.151 ("County commissioners or the governing authority of a municipality shall not call any special election until notice is given to the supervisor of elections and his or her consent obtained as to a date when the registration books can

Supervisor of Elections Recommendations

MDHRC, Sec. 8.01(5)(b) - INITIATIVE AND REFERENDUM

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 such other time as the Supervisor of Elections provides for such election <<. The result shall be determined by a majority vote of the electors voting on the proposal.

See, Sec. 100.151 ("County commissioners or the governing authority of a municipality shall not call any special election until notice is given to the supervisor of elections and his or her consent obtained as to a date when the registration books can be available.")

Supervisor of Elections Recommendations

MDHRC, Sec. 8.02(4) – Recall

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 >>, or at such other time as the Supervisor of Elections provides for such election <<.

See, Sec. 100.151 ("County commissioners or the governing authority of a municipality shall not call any special election until notice is given to the supervisor of elections and his or her consent obtained as to a date when the registration books can be available.")

Property Appraiser of Miami-Dade County
Tomás Regalado

Charter Review Task Force Presentation

August 1, 2025

Introduction

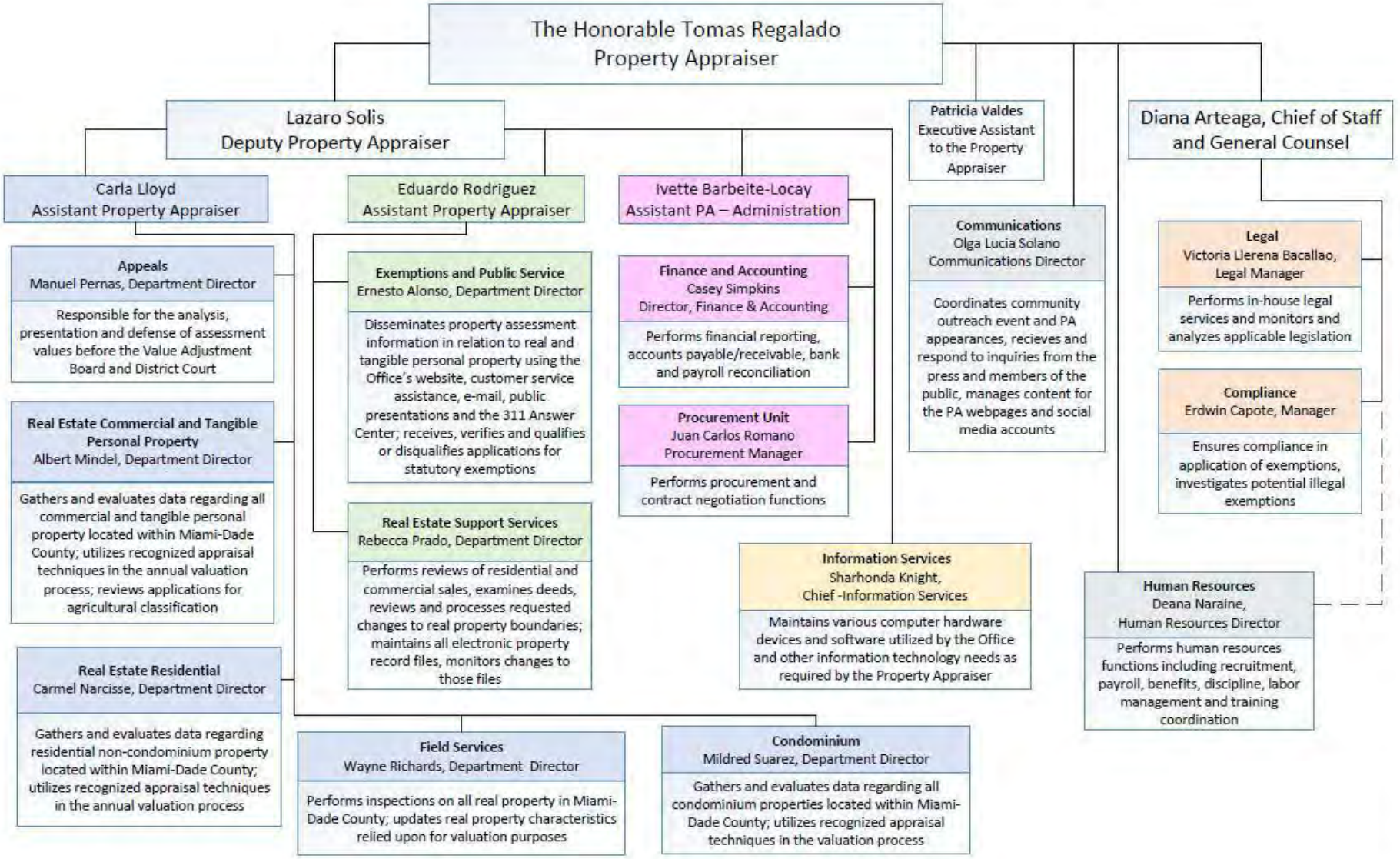
The Property Appraiser is an elected constitutional officer, as established by **Article VIII** of the **Constitution of the State of Florida**.

In 2018, voters in Florida passed **Amendment 10** which eliminates a county's ability to abolish, transfer or alter the duties of the constitutional officers.

Introduction

In 2024, Tomás Regalado was elected to lead the newly independent office of the **Property Appraiser of Miami-Dade County**.

The **mission** of the Property Appraiser of Miami-Dade County is to justly value all properties in Miami-Dade County and to help all property owners understand and access all the exemptions and other benefits allowed by state law.


The Honorable Tomas Regalado
Property Appraiser
Lazaro Solis
Deputy Property Appraiser
Patricia Valdes
Executive Assistant to the Property Appraiser
Diana Arteaga, Chief of Staff and General Counsel
Carla Lloyd
Assistant Property Appraiser
Eduardo Rodriguez
Assistant Property Appraiser
Ivette Barbeite-Locay
Assistant PA – Administration
Appeals
Manuel Pernas, Department Director
Responsible for the analysis, presentation and defense of assessment values before the Value Adjustment Board and District Court
Real Estate Commercial and Tangible Personal Property
Albert Mindel, Department Director
Gathers and evaluates data regarding all commercial and tangible personal property located within Miami-Dade County; utilizes recognized appraisal techniques in the annual valuation process; reviews applications for agricultural classification
Real Estate Residential
Carmel Narcisse, Department Director
Gathers and evaluates data regarding residential non-condominium property located within Miami-Dade County; utilizes recognized appraisal techniques in the annual valuation process
Exemptions and Public Service
Ernesto Alonso, Department Director
Disseminates property assessment information in relation to real and tangible personal property using the Office's website, customer service assistance, e-mail, public presentations and the 311 Answer Center; receives, verifies and qualifies or disqualifies applications for statutory exemptions
Real Estate Support Services
Rebecca Prado, Department Director
Performs reviews of residential and commercial sales, examines deeds, reviews and processes requested changes to real property boundaries; maintains all electronic property record files, monitors changes to those files
Field Services
Wayne Richards, Department Director
Performs inspections on all real property in Miami-Dade County; updates real property characteristics relied upon for valuation purposes
Finance and Accounting
Casey Simpkins
Director, Finance & Accounting
Performs financial reporting, accounts payable/receivable, bank and payroll reconciliation
Procurement Unit
Juan Carlos Romano
Procurement Manager
Performs procurement and contract negotiation functions
Information Services
Sharhonda Knight,
Chief -Information Services
Maintains various computer hardware devices and software utilized by the Office and other information technology needs as required by the Property Appraiser
Condominium
Mildred Suarez, Department Director
Gathers and evaluates data regarding all condominium properties located within Miami-Dade County; utilizes recognized appraisal techniques in the valuation process
Communications
Olga Lucia Solano
Communications Director
Coordinates community outreach event and PA appearances, recieves and respond to inquiries from the press and members of the public, manages content for the PA webpages and social media accounts
Legal
Victoria Llerena Bacallao,
Legal Manager
Performs in-house legal services and monitors and analyzes applicable legislation
Compliance
Erdwin Capote, Manager
Ensures compliance in application of exemptions, investigates potential illegal exemptions
Human Resources
Deana Naraine,
Human Resources Director
Performs human resources functions including recruitment, payroll, benefits, discipline, labor management and training coordination

Statutory Authority

The Property Appraiser's office is *heavily governed* by the laws of the State of Florida with oversight from the Department of Revenue.

- §125.691(1) – State Preemption
- §11.45 – Auditor General authority
- §195.087 – Budget review and approval by Department of Revenue
- §218.39 – Annual financial audit reports
- §112.3145(6) – Financial disclosures
- §100.041 – Election of Property Appraiser
- §99.012 - Qualifications
- §112.52 & §195.097 – Removal from office
- §112.3142 – State Ethics training
- §145.10 – Salary of Property Appraiser

Recommended Changes

Remove all obsolete references to the Property Appraiser from the Charter.

- Sections 1.01, 1.05, 5.04, 8.02, 9.01

2025 Miami-Dade County Charter Review Task Force

Recommendations of **Juan Fernandez-Barquin, Esq.**
Clerk of the Court and Comptroller of Miami-Dade County

Clerk of the Court & Comptroller: Roles

This Office has **4 primary roles**:

Clerk of the Court (Court-Side)



Clerk of the Board (Ex Officio)



County Recorder



Comptroller*



***Auditor, Investor and Custodian of County Funds**

Clerk of the Court & Comptroller: A Florida Constitutional Office



- **Article VIII, Section 1(d)**: The Clerk of the Court & Comptroller is **one of five local Constitutional Officers**.
- **Article V, Section 16**: The Clerk is also a Constitutional Officer under the **judicial branch**.
- Unlike the Sheriff, Tax Collector, Supervisor of Elections, and Property Appraiser, **the Clerk has been a constitutional, elected officer since Florida's 1838 Constitution.** This independent role was affirmed by the Miami-Dade Home Rule Charter adopted in 1957.

Clerk of the Court & Comptroller: The Mission

"The Clerk of the Court and Comptroller is committed to upholding integrity, transparency, and neutrality in judicial and governmental processes. Our mission is to provide exceptional service, enhance accessibility, utilize future-ready technology, and empower our workforce to exceed expectations."

- ***Independent***: *The Office has deep independent roots due to being an elected, Constitutional Officer since the 1800s. The Office interacts with numerous administrations in all branches of government at the local, state, and federal levels.*

- ***Ministerial***: *Most of the Office's duties are prescribed by law and/or orders of the court and performed without personal judgment or discretion.*

- ***Neutral***: *Due to the Clerk's inherent administrative and ministerial mission, the Office performs its duties with neutrality.*

ELECTORATE



Juan Fernandez-Barquin
CLERK OF THE COURT AND COMPTROLLER

- Executive Assistant to the COCC — Danette Perez
  - Administrative Assistant — Gissette Espinosa
  - COCC Legislative Aide — J A. Villalobos
- CHIEF OF STAFF/EX-OFFICIO — Barbara Rodriguez
  - CLERK OF THE BOARD and PROCUREMENT DEPARTMENT — Basia Pruna
  - COCC SOCIAL MEDIA — Brianna Rice
  - OUTREACH AND LOCAL AFFAIRS — Diana Rodriguez
  - FACILITIES DEPARTMENT — Kevin Montero

- SENIOR DEPUTY CLERK — Sandra M. Bazile
  - FAMILY COURT DEPARTMENT — Eugene Carral
  - JUVENILE COURT DEPARTMENT — Dorian Mathis
  - CIVIL COURT DEPARTMENT — Vanessa Ceide
  - CENTRAL DEPOSITORY DEPARTMENT — Monica Swain-Allen
- SENIOR DEPUTY CLERK — Michael Amador
  - TRAFFIC AND MISDEMEANOR COURT DEPARTMENT — Amy Garcia
  - VALUE ADJUSTMENT BOARD / CODE ENFORCEMENT — Vacant
  - COUNTY RECORDER DEPARTMENT — Sheria Sawyer Edwards
  - RECORDS MANAGEMENT DEPARTMENT — Pamela Bernhardt
  - PARKING OPERATIONS DEPARTMENT — Santiago Alfonso
- SENIOR DEPUTY CLERK — Interim Barbara Rodriguez
  - CRIMINAL COURT DEPARTMENT — Deborah Gillett
  - DISTRICT COURTS OPERATIONS — Emilio Vega-Camejo
    - CORAL GABLES
    - NORTH DADE
    - SOUTH DADE
    - HIALEAH
    - CALEB
    - MIAMI BEACH
- GENERAL COUNSEL — Luis G. Montaldo
  - LEGAL AND JURY OPERATIONS DEPARTMENT — Lourdes Arruza
- CHIEF ADMINISTRATIVE OFFICER — Barbara Galvez
  - CLERK FINANCE DEPARTMENT — Jacqueline Williams
  - STRATEGIC MANAGEMENT & BUDGET DEPARTMENT — Liza Saboya-Fernandez
  - HUMAN RESOURCES DEPARTMENT — Yael Y. Londoño
  - COMPTROLLER FINANCE OPERATIONS DEPARTMENT — Barbara Gomez
  - COMPTROLLER AUDIT OPERATIONS DEPARTMENT — Stephanie Sierra
- CHIEF INFORMATION OFFICER — Miguel Mukodsi
  - TECHNICAL SERVICES DEPARTMENT

Election-Related Charter Provisions

Section 1.05 C.:

- **Current**: Requires any appointed official or employee of Miami-Dade County to take a leave of absence if they qualify as a candidate for election to the office of Commissioner, Mayor, Clerk, or Property Appraiser.

- **Recommendation**: Removing Clerk and Property Appraiser.

Election-Related Charter Provisions

Section 3.03:

- **Current**: Requires election for the Clerk to be nonpartisan.
- **Recommendation**: Remove Clerk election as nonpartisan to comply with Florida Supreme Court decision that ruled county constitutional officer elections are partisan. *Orange Cnty. v. Singh*, 268 So. 3d 668 (Fla. 2019).

Election-Related Charter Provisions

Section 3.04:

- **Current**: Requires candidates for office of Mayor or County Commissioner to qualify with the Clerk of the Circuit Court.

- **Recommendation**: Candidates for office of Mayor or County Commissioner should qualify with the Supervisor of Elections.

Financial Administration
Charter Provisions

Section 5.01 and 5.03 A.:

- **Current**: Department of finance shall be headed by a finance director appointed by the Mayor and Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the County.

- **Recommendation**: Remove department of finance from Section 5.01 and remove the entirety of subsection 5.03 A. The Florida Constitution and Amendment 10 provide county finance powers and oversight to the Clerk of the Court.

Audit-Related Charter Provisions

Section 9.10:

- **Current**: Creates the Office of the Commission Auditor and provides the office with broad auditing powers.

- **Recommendation**: Clarify that the County, the Board, and County Departments cannot perform audits under the Clerk's constitutional and statutory purview, usurp the Clerk's audit powers, or duplicate the Clerk's audit functions per F.S. 125.691. County administration needs to amend existing County code in conforming with this recommendation.

Audit-Related Charter Provisions

Section 9.11:

- **Current**: Creates the Office of the Inspector General and provides the office with numerous powers, including auditing powers.

- **Recommendation**:
  - Clarify that the County, the Board, and County Departments cannot perform audits under the Clerk's constitutional and statutory purview, usurp the Clerk's audit powers, or duplicate the Clerk's audit functions per F.S. 125.691. County administration needs to amend existing County code in conforming with this recommendation.

  - Or: Strike the word "audit."

Creation of Municipalities
Charter Provisions

Section 6.05 B.:

- **Current**: Charges the Clerk with certain duties when incorporation committee petitions to create a new municipality: (1) filing petition with Clerk, (2) Clerk creating form of the petition, (3) approving the petition as to form, (4) advising of number of electors and required signatures, and (5) affirming the boundaries.

- **Recommendation**: The Office of Management and Budget should be responsible for executing the provisions of Section 6.05. The County Attorney's Office should be responsible for creating the form of the petition. The Clerk's role should be limited to the record-keeping function for the County Board.

Initiative and Referendum Charter Provisions

Section 8.01:

- **Current**: Charges the Clerk with certain duties for initiatives and referendums: (1) submission of petition to the Clerk and (2) Clerk approving form of the petition. (The Board is responsible for ordering the canvassing of the signatures, but does not specify the Supervisor of Elections.)

- **Recommendation**:
  - The Supervisor of Elections should be responsible for providing the format of the petition and canvassing the petition. The Clerk's role should be limited to the record-keeping function for the County Board in accepting the petition and approving the form of the petition. County administration needs to amend existing County code in conforming with this recommendation.

  - Or: The Charter should require the Supervisor of Elections to administer the entire process.

Recall
Charter Provisions

Section 8.02:

- **Current**: Charges the Clerk with certain duties for recalls: (1) submission of petition to the Clerk, (2) Clerk approving form of the petition, (3) Clerk must canvass the petition, and (4) Clerk must certify the petition.

- **Recommendation**:
  - The Supervisor of Elections should be responsible for providing the format of the petition and canvassing the petition. The Clerk's role should be limited to the record-keeping function for the County Board in accepting the petition, approving the form of the petition, and certification of the petition. County administration needs to amend existing County code in conforming with this recommendation.

  - Or: The Charter should require the Supervisor of Elections to administer the entire process.

Amendments
Charter Provisions

Section 9.07:

- **Current**: Charges the Clerk with certain duties for amendments to the charter: (1) submission of petition to the Clerk and (2) Clerk approving form of the petition.

- **Recommendation**: The Supervisor of Elections should be responsible for executing the provisions of Section 9.07 including approving the ballot language and form of the petition. The Clerk's role should be limited to the record-keeping function for the County Board. County administration needs to amend existing County code in conforming with this recommendation.

JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FLORIDA
IN GOD WE TRUST

Thank You!

For more information, please visit ***www.miamidadeclerk.gov*** or contact our office directly.

MIAMI-DADE
SHERIFF'S OFFICE
SHERIFF ROSIE CORDERO-STUTZ

Policing Responsibility Recommendations for the Miami-Dade County Home Rule Charter

Presented By:
Janet Lewis, Esq.
General Counsel
Miami-Dade Sheriff's Office

MIAMI-DADE
SHERIFF'S OFFICE

Policing Responsibility

125.01015 Office of the sheriff.—

(1) As required by s. 1(d), Art. VIII of the State Constitution, there shall be an elected sheriff in each county in this state. Unless otherwise provided in this section, a county, as defined in s. 125.011(1), shall, as required by s. 6(g), Art. VIII of the State Constitution, elect a sheriff. The board of county commissioners of any such county must ensure the successful transfer of the **exclusive** policing responsibility and authority to the sheriff in areas of the county for which the sheriff has responsibility.

MIAMI-DADE
SHERIFF'S OFFICE

ARTICLE – 1 BOARD OF COUNTY COMMISSIONERS

Recommended Revisions:

SECTION 1.01. **POWERS.**

- **Subsection A. Paragraph 4.**
- **Subsection A. Paragraph 19.**

MIAMI-DADE
SHERIFF'S OFFICE

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:

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~~.

MIAMI-DADE
SHERIFF'S OFFICE

ARTICLE – 1 BOARD OF COUNTY COMMISSIONERS

19. By ordinance, abolish or consolidate ~~the office of constables, or~~ any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, to abolish or impair the jurisdiction, responsibilities, powers or duties of the County Constitutional Officers set forth in the Florida Constitution or by general law, 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.

MIAMI-DADE
SHERIFF'S OFFICE

ARTICLE – 6 MUNICIPALITIES

Recommended Revision:

SECTION 6.05. **CREATION OF NEW MUNICIPALITIES.**

- **Subsection B. Paragraph 7.**

MIAMI-DADE
SHERIFF'S OFFICE

ARTICLE – 6 MUNICIPALITIES

SECTION 6.05. **CREATION OF NEW MUNICIPALITIES.**
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:

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.

MIAMI-DADE
SHERIFF'S OFFICE

ARTICLE – 9 GENERAL PROVISIONS

Recommended Revisions:

SECTION 9.01. **ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.** (A recommendation for a title change of this section is listed in the following slide.)

- **Subsection A.**
- **Subsection B.**
- **Subsection C.**

MIAMI-DADE
SHERIFF'S OFFICE

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 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.~~ The County shall not abolish, impair or transfer the jurisdiction, responsibilities, powers or duties of the County Constitutional Officers set forth in the Florida Constitution and general law except as permitted therein.

MIAMI-DADE
SHERIFF'S OFFICE

ARTICLE – 9 GENERAL PROVISIONS

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.~~ The County 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 at such meetings, on matters within their jurisdiction, responsibilities, powers or duties.

MIAMI-DADE
SHERIFF'S OFFICE

ARTICLE – 9 GENERAL PROVISIONS

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.~~ The County may enter into contracts with the County Constitutional Officers for the joint performance or performance by one on behalf of the other of any authorized function of such government unit.

Thank You



Charter Review Taskforce Presentation

Amendment 10

- In 2018, Floridians approved Amendment 10 to the Florida Constitution, requiring that all counties have an independent, elected Tax Collector.
- Amendment 10 preempts the Miami-Dade County Home Rule Charter. The Charter may not abolish the office of the Tax Collector; transfer its duties to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by the electors of the county.

The Tax Collector holds an independent constitutional office vested with the duties and authority provided by Florida statutes and the Florida constitution.

Our Tax Collector DARIEL FERNANDEZ

- The Honorable Dariel Fernandez was elected by Miami-Dade residents in the 2024 general election.
- Mr. Fernandez won on a platform commitment to put the needs of people first, and lead with transparency, innovation, and
- accountability.

Consistent with the Florida Constitution's mandate, the Tax Collector's Office became independent from Miami-Dade County on January 7, 2025.



Key Responsibilities

Collection of real estate, tangible personal property, and business taxes

Distribution of collected taxes to local taxing authorities

Acting as an agent for the State of Florida for vehicle/vessel titles and hunting/fishing licenses

Processing motor vehicle transactions, including registration renewals, tag decals, and license plate surrenders

Issuing special parking permits, including those for individuals with disabilities, baby strollers, and HOV lanes

Oversight and regulation of private auto tag agencies

For the first time, administering and issuing driver licenses and identification cards

The New Tax Collector's Office

FULL-SERVICE OFFICES ARE LOCATED THROUGHOUT THE COUNTY.

Downtown Miami 📍 200 NW 2nd Ave, Miami, FL 33128

Miami Central 📍 3725 NW 7th St, Miami, FL 33126

Midway Crossings 📍 7795 W Flagler St, Suite 82C, Miami, FL 33144

North Dade Justice Center 📍 15555 Biscayne Blvd, North Miami Beach, FL 33160

Florida City 📍 1448 N Krome Ave, Florida City, FL 33034

Kendall 📍 11735 SW 147th Ave, Miami, FL 33196

The Tax Collector projects to operate 13 total offices by the end of the calendar year, including 9 offices assumed from FLHSMV and 4 locations secured through partnership with the CoCC, Miami-Dade County and various municipalities.

Bringing Services to the People

- The Tax Collector's Mobile Unit brings government directly to the community; attending events, visiting neighborhoods, and expanding access to services in underserved areas. It now operates 4-5 days per week and has already served more than 5,000 residents across Miami-Dade.
- The Tax Collector's new and improved website makes it easier than ever to access online services, pay taxes, renew registrations, request appointments and more, from any device, anytime. Business owners can now pay, print, and post their Local Business Tax (LBT) receipt directly from the convenience of their home or workplace.

Self-Service Kiosks are now available at 5 local Publix stores, allowing customers to instantly renew vehicle registrations and print tags and decals without waiting in line, Publix locations include:

- 15771 Southwest 152nd Street in Miami
- 20201 Southwest 127th Avenue in Miami
- 7550 Northwest 104th Avenue in Doral
- 1920 West Avenue in Miami Beach

Improving The Customer Experience

The Tax Collectors Office offers expanded hours of operations

Monday to Friday 8:00 a.m. to 5:00 p.m.

Saturdays from 8:00 a.m. to 1:00 p.m.*

And has implemented an innovative virtual walk-in system for Driver License and ID services that cut long lines and wait times.

Overall, extended wait times have been significantly reduced, and the lines have disappeared across all Tax Collector-managed office locations.

*The North Dade Justice Center office (located inside the courthouse) is closed on Saturdays in accordance with courthouse

QUESTIONS

Thank you for your service on the Charter Review Taskforce.



People and Internal Operations Department
Human Rights & Fair Employment Practices

Sexual Harassment Prevention Training
Acknowledgment Form

On April 10, 2018, the Miami-Dade County Board of County Commissioner's adopted Resolution No. R-355-18, which requires all members of a County Advisory Board to complete a mandatory sexual harassment prevention training as a condition to membership.

My signature below certifies that I have viewed the above indicated training class, understood the contents noted, and will abide by the policies and procedures presented.

If I have questions about the training, materials presented or Miami-Dade County policy and procedures, I understand it is my responsibility to seek clarification from the Human Rights & Fair Employment Practices Division of the Human Resources Department.

Board Member Name: _____

Board Member Signature: _____

Board: _____

Date of Viewing: _____

Please submit this form to Tracey Mocombe, HRFEP Specialist, at tracey.mocombe@miamidade.gov. If you have any questions, she can be reached at (305) 375-4586.

Charter Review Task Force

ses Overview Active

Jnses	Average Time	Duration
J	07:41	17 Days

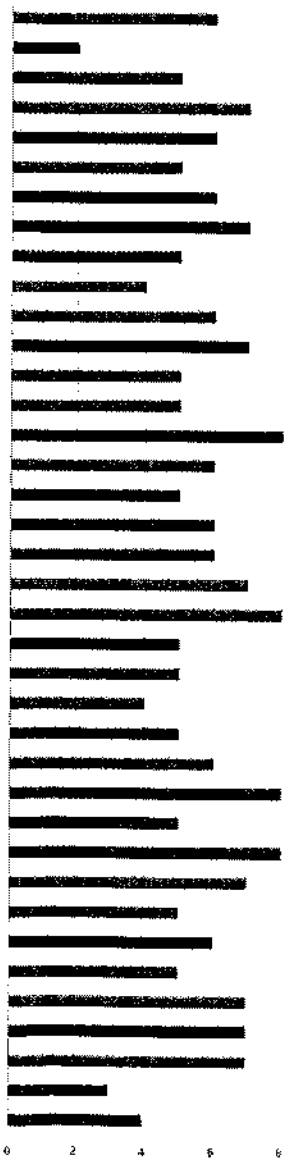
Please enter the Charter Review Task Force member's name

10
Responses

Latest Responses
"DENNIS C. MOSS"
"Stephanie Daniels"
"Dennis A. Kerbel"

2. Please select the date(s) which you are available

08/15 9:00am - 5:00pm	6
08/16 9:00am - 5:00pm	2
08/22 9:00am - 5:00pm	5
08/25 9:00am - 5:00pm	7
08/26 9:00am - 5:00pm	6
08/29 9:00am - 5:00pm	5
09/02 9:00am - 12:00pm	6
09/05 1:00pm - 5:00pm	7
09/11 1:00pm - 5:00pm	5
09/12 9:00am - 5:00pm	4
09/16 9:00am - 5:00pm	6
09/17 9:00am - 4:00pm	7
09/19 1:00pm - 5:00pm	5
09/30 9:00am - 5:00pm	5
10/01 9:00am - 5:00pm	8
10/10 9:00am - 5:00pm	6
10/20 12:30pm - 3:30pm	5
10/24 1:30pm - 5:00pm	6
10/27 9:00am - 5:00pm	6
10/28 9:00am - 5:00pm	7
10/29 9:00am - 11:30am	8
10/30 9:00am - 1:00pm	5
10/31 9:00am - 5:00pm	5
11/03 9:00am - 12:00pm	4
11/06 2:00pm - 5:00pm	5
11/07 9:00am - 5:00pm	6
11/14 9:00am - 5:00pm	8
11/17 9:00am - 12:00pm	5
11/24 9:00am - 5:00pm	8
11/25 9:00am - 5:00pm	7
11/26 9:00am - 12:00pm	5
12/01 9:00am - 12:00pm	6
12/05 2:00pm - 5:00pm	5
12/12 9:00am - 5:00pm	7
12/15 9:00am - 12:00pm	7
12/19 1:30pm -5:00pm	7
12/22 9:00am - 5:00pm	3
12/23 9:00am - 5:00pm	4



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

Miami-Dade County
Main Library
101 West Flagler Street
Miami, Florida
August 25, 2025
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Selena Hadley, Commission Reporter
(305) 375-1475

2024 VI

FINAL OFFICIAL 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;
~ To\Vll of Miami Lakes Mayor Joshua Dieguez;
~ Vice Chairman Michael Redondo, (State Representative for House District 118); 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;
~ Mr. Damian de la Paz, Director of Policy, Office of the Mayor;
~ Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
~ Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
~ Ms.Ti via Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
~ Mr. Ryan Lafarga, Senior Advisor, Office of Management and Budget;
~ Mr. Raul Mas, Business Analyst, Office of Management and Budget (0MB);
~ 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.Gerardo Gomez, General Counsel, Miami-Dade County Office of the Tax Collector;
~ Mr. Luis Montaldo, General Counsel, Clerk of the Court and Comptroller (COCC);
~ Ms. Barbara Galvez. Chief Administrative Officer, COCC; 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 IO structure, with its next charter review scheduled for 2026.

The analysis examined three key areas: (I) 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.

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 7.0l(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

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 IO or represented outdated language.

ACA Valdez advised that the provisions in the formal charters predated Amendment IO 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 IO 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 I 0.

Mr. Luis Montaldo concurred with the legal analysis presented by Mr. Rosenthal regarding charter provisions that predated Amendment I 0. 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.

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 1O'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.

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. lt 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 IO 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.

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(2 l), 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 l.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.

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

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.

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 I.01 A(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 Sheriffs Office's law enforcement functions.

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.

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 IO 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.

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 Sheriffs Office. He confirmed the 911 system in particular was a County responsibility and invited input from the Sheriffs Office.

Mr. Erik Morales stated that the Sheriffs 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 Sheriffs 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 Sheriffs 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 l.0IA(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 l.01A(4). First, retain "provide traffic control" in the charter language. Second, strike "and central crime investigation" because this function fell under the Sheriffs constitutional authority. Third, retain "any police protection" but insert the word "municipal" before it.

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 I.0IA(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 Sheriffs 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: I. 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

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.

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 I .OIA(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 I 0, 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 IO already prohibited. He explained these provisions could already be read as written in conformity with Amendment IO because the power was not provided to the County commission under Amendment I 0.

Chairman Kerbel inquired whether the proposed changes would be classified as consistent with Amendment IO 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 1.0I A(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 I 0 explicitly reserved to constitutional officers. While acknowledging that "county officers" might

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

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.

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.

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."

Mr. Rosenthal contended that Amendment IO altered the legal framework governing this issue. He noted that Amendment IO'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 I0.

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 I0.

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 IO 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 IO'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 I0.

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(8)), 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.

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 (0MB) 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

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 0MB could fall under Article S'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

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 lO'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 I st 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.

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)(l), 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.

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 offiine, 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.

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.

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 I0% 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

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

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.

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 Band 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.

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.

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

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.

Chairman Dennis Kerbel
Charter Review Task Force

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
August 25, 2025

Prepared by: Selena Hadley

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	Charter Review Task Force (CRTF) Meeting Agenda dated August 25, 2025
-	Presentation – Review of Constitutional Officers in Florida Home Rule Charter Counties
-	Constitutional Officers' Joint Proposed Required and /requested Amendment to the Charter to Conform with Amendment 10
-	BCC/Committee Meeting Assignments – September 2025
-	Letter of Correspondence from the Department of Government Efficiency dated August 4, 2025
-	Sexual Harassment Prevention Training Acknowledgment Form

Miami-Dade County Charter Review Task Force Agenda
Preliminary Version
Monday, August 25, 2025
10:00 AM
Main Library

I. Roll Call

II. Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

IV. Charter Matrix Presentation

V. Agenda Items

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

VI. Comments/Discussion by Task Force members

A. Staff Updates
B. Other Discussion Items
C. Future Meeting Dates

VII. Adjournment

Attachments:

(1) Review of Constitutional Officers in Selected Florida Home-Rule Charter Counties
(2) Proposed Revisions to the Home Rules Charter as Recommended by the Consitutional Offices

ATTACHMENT 1

REVIEW OF CONSTITUTIONAL OFFICERS IN SELECTED FLORIDA HOME-RULE CHARTER COUNTIES

An Analysis of Charter Treatment in the Top 5 Most Populous Counties

Office of Management and Budget

August 25, 2025

MIAMI-DADE COUNTY

METHODOLOGY

Counties Selected*

- Broward, Hillsbourough, Orange, Palm Beach, and Pinellas

Focus

- Reviewed how each County Charter references and addresses the roles, responsibilities, and structural integration of the five Constitutional Officers (COs): Clerk of the Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector

Sources Reviewed

- Most recent published County Charters

Key Areas of Analysis

- How each Charter references or addresses COs
- Whether COs can be heard at Board of County Commissioners (BCC) meetings
- Whether COs have the ability to place items on BCC agendas
- Whether Charters allow for interlocal agreements or contracts with COs for joint services or performance by one on behalf of the other

*Volusia County was not analyzed because their charter has not yet been updated to reflect a post-Amendment 10 structure. Their Charter Review is scheduled for 2026.

COUNTY INFORMATION

BROWARD COUNTY FLORIDA	• **County Seat:** Fort Lauderdale	• **County Population (2020):** 1,944,375	• **Form of Government:** Council Manager
	• **Year Charter Established:** 1975	• **Last Update to Charter:** 2018; next update scheduled for 2030	
Hillsborough County Florida	• **County Seat:** Tampa	• **County Population (2020):** 1,459,762	• **Form of Government:** Council Manager
	• **Year Charter Established:** 1983	• **Last Update to Charter:** 2020; next update scheduled for 2025	
Orange County Government Florida	• **County Seat:** Orlando	• **County Population (2020):** 1,429,908	• **Form of Government:** Strong Mayor (with a County Administrator)
	• **Year Charter Established:** 1987	• **Last Update to Charter:** 2024; next update scheduled for 2028	
Palm Beach County Florida	• **County Seat:** West Palm Beach	• **County Population (2020):** 1,492,191	• **Form of Government:** Council Manager
	• **Year Charter Established:** 1985	• **Last Update to Charter:** 2011; No specific scheduled date for update	
Pinellas County	• **County Seat:** Clearwater	• **County Population (2020):** 959,107	• **Form of Government:** Council Manager
	• **Year Charter Established:** 1980	• **Last Update to Charter:** 2024; next update scheduled for 2032	

CLERK OF THE CIRCUIT COURT

Broward

(1)

- Defined as a Constitutional Officer
- **Section 3.03.G-** The Charter transfers all Clerk of the Circuit Court duties related to the County Commission to the County Administrator or designee, removing the Clerk's ex-officio role.
- **Section 3.06.B-** The Charter assigns the Clerk's fiscal and auditing duties to the County Administrator, who oversees the Finance and Administrative Services Department.
- **Section 11:08-** Subject to the Broward County Code of Ethics

Hillsborough

(2)

- **Sec. 1.02.** - The charter does not include reference to the Clerk and Comptroller.
- **Sec. 4.10.** – Establishes a County Internal Auditor to conduct audits that may include all aspects of the Charter Government and its offices and its officials.

Orange

(3)

- **Sec. 702.** - Clerk must receive proposed Charter changes for elections by qualifying deadline for ballot inclusion.
- **Sec. 712.** - Subject to being audited by the Comptroller

Orange County- Comptroller

(3)

- **Sec. 504.1.F** - Shall serve as the clerk to TransMAC.
- **Sec. 602.1.E** - Shall prepare and transmit to and sponsor of the petition, a financial impact statement.
- **Sec. 702.B** - Shall analyze the impact of potential charter changes.
- **Sec. 712** – Required to conduct all audits including performance audits on all Constitutional Offices

Palm Beach

(2)

- The Clerk of the Circuit Court is defined as a Constitutional Officer

Pinellas

(2)

- **Sec. 4.02** – Shall serve on the County Attorney Oversight Committee.
- **Sec. 4.03** - The Charter in no manner changes the status, duties, or responsibilities of the Clerk of the Circuit Court.
- **Sec. 6.02** – Charter amendment petitions shall be filed with the clerk of the circuit court.
- **Sec. 6.06** - For each proposed charter amendment placed on the ballot, the clerk of the circuit court, as county auditor, shall prepare, a separate financial impact statement, estimating the increase or decrease in revenues or costs to the county resulting from approval of the proposed charter amendment.

(1) County holds Comptroller function via 2020 voter referendum based on CS/HB 989 (Broward Resolution No. 2020-337)

(2) CO holds both Clerk and Comptroller function

(3) Independently elected Comptroller

PROPERTY APPRAISER

Broward

- Defined as a Constitutional Officer
- **Section 11:08-** Subject to the Broward County Code of Ethics

Hillsborough

- **Sec. 1.02.** - The charter does not include reference to the Property Appraiser.

Orange

- **Sec. 712.** - Subject to being audited by the Comptroller

Palm Beach

- Defined as a Constitutional Officer
- **Section 4.1.a-** Outlines that the election for this office shall be nonpartisan

Pinellas

- **Sec. 4.02 –** Shall serve on the County Attorney Oversight Committee.
- **Sec. 4.03** - The Charter in no manner changes the status, duties, or responsibilities of the Property Appraiser.

SHERIFF

Broward

- Defined as a Constitutional Officer
- **Section 5.01.B-** Defines an obligation to the Sheriff to maintain and operate a centralized criminal records system
- **Section 5.01.C-** Lays upon the duty to the County Commission to provide methods of funding for law enforcement services by the Sheriff in unincorporated areas and other areas not otherwise protected
- **Section 11:08-** Subject to the Broward County Code of Ethics

Hillsborough

- **Sec. 1.02.** - The charter does not include reference to the Sheriff.

Orange

- **Sec. 712.** - Subject to being audited by the Comptroller

Palm Beach

- Defined as a Constitutional Officer
- **Section 4.1.a-** Outlines that the election for this office shall be nonpartisan

Pinellas

- **Sec. 4.02 –** Shall serve on the County Attorney Oversight Committee.
- **Sec. 4.03** - The Charter in no manner changes the status, duties, or responsibilities of the Sheriff.

SUPERVISOR OF ELECTIONS

Broward

- Defined as a Constitutional Officer
- **Section 11:08-** Subject to the Broward County Code of Ethics
- **Section 7.01.B-** Assigns the Supervisor of Elections the duty to validate petitions within 30 days of receiving a certificate and to report findings to the County Commission.

Hillsborough

- **Sec. 8.02.** - The charter review board is to file any proposed amendments to the Charter with the Supervisor of Elections who shall provide for a vote on it pursuant to Section 8.04.
- **Sec. 8.03.** – Proposed Charter amendments may be invoked by the people by filing a petition with the Supervisor of Elections who must certify a beginning date of the drive, certify signatures, and place amendments on the ballot.

Orange

- **Sec. 302 .E** - Consult with board to set election dates and candidate qualifying period for mayoral vacancy.
- **Sec. 602.A** – In regard to submitted initiative petitions, the supervisor of elections must approve forms, beginning date of the petition drive, verify signatures, and submit a written report to the board pursuant to Sec. 602 A-G of the Charter.
- **Sec. 712.** - Subject to being audited by the Comptroller

Palm Beach

- Defined as a Constitutional Officer
- **Section 4.1.a-** Outlines that the election for this office shall be nonpartisan
- **Section 5.1-** The Charter tasks the Supervisor of Elections with verifying petition signatures within 45 days as part of the citizen initiative process for county ordinances.

Pinellas

- **Sec. 4.02 –** Shall serve on the County Attorney Oversight Committee.
- **Sec. 4.03 -** The Charter in no manner changes the status, duties, or responsibilities of the Supervisor of Elections.
- **Sec. 6.02 -** Proposed Charter Amendments may be proposed by petition. The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment for supervisor's approval. The supervisor will certify the beginning date and signatures on the petition pursuant to Sec. 6.02 of the Charter.

TAX COLLECTOR

Broward*

- Not defined as a Constitutional Officer
- Amended Section 3.06 to align with state changes on elected Tax Collector; amended Section 9.01 to remove preempted local licenses and consolidate examining boards.

Hillsborough

- Sec. 1.02. - The charter does not include reference to the Tax Collector.

Orange

- Sec. 712. -Subject to being audited by the Comptroller

Palm Beach

- Defined as a Constitutional Officer

Pinellas

- Sec. 4.02 – Shall serve on the County Attorney Oversight Committee.
- Sec. 4.03 – The Charter in no manner changes the status, duties, or responsibilities of the Tax Collector.

*Broward County's Tax Collector was not a Constitutional Officer prior to Amendment 10 and thus, their Charter does not reflect a post-Amendment 10 structure. Their Charter Review is scheduled for 2030.

POTENTIAL CHARTER MENTIONS

(1) Does the Charter provide the County Constitutional Officers or any other governmental entity with the right to attend and be heard at any regular or special open session meeting of the Commission?

(2) Does the Charter provide the ability for COs to place items on a BCC agenda?

(3) Does the Charter contain provisions that provides that the County may enter into contracts with the County Constitutional Officers for the joint performance or performance by one on behalf of the other of any authorized function of such government unit?

Broward County, Florida

(1) **Section 1.04-** Any person has the right to be heard
(2) No Mention
(3) **Section 2.10-** The County Attorney may represent the COs
Section 3.07 (B)- All operational services shall be made available to the COs.

Hillsborough County, Florida

(1) No Mention
(2) No Mention
(3) No Mention

Orange County Government, Florida

(1) No Mention
(2) No Mention
(3) No Mention

Palm Beach County, Florida

(1) No Mention
(2) No Mention
(3) No Mention

Pinellas County

(1) No Mention
(2) No Mention
(3) No Mention

ATTACHMENT 2

CONSTITUTIONAL OFFICERS' JOINT PROPOSED REQUIRED AND REQUESTED AMENDMENT TO THE CHARTER TO CONFORM WITH AMENDMENT 10

MIAMI-DADE COUNTY HOME RULE CHARTER

* * *

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:

* * *

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~~]].

* * *

19. By ordinance, abolish or consolidate **[[~~the office of constables, or~~]]** any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, >>to abolish or impair the jurisdiction, responsibilities, powers 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[[~~,~~]] >>and<< counties[[, and county officers]] by the Constitution and laws of the state, and all powers not prohibited by the ~~Constitution~~ or by this Charter.

* * *

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 the office of Miami-Dade County Commissioner[[~~,~~]] >>or<< 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.

* * *

ARTICLE 3. - ELECTIONS

* * *

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 >>candidate <<petition requirements of >>general law<< 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 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~~]].

* * *

ARTICLE 5. - ADMINISTRATIVE ORGANIZATION AND PROCEDURE

* * *

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.~~]] >>RESERVED<<

* * *

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~~]]>>B<<. All county and municipal 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 may be paid separately.~~]]

[[~~D~~]]>>C<<. Delinquent municipal taxes shall be collected in the same manner as delinquent county taxes.

[[~~E~~]]>>D<<. All the tax revenues collected for any municipality shall be returned monthly by the county to the municipality.

* * *

ARTICLE 6. - MUNICIPALITIES

* * *

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 such other time as the Supervisor of Elections provides for 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.

* * *

SECTION 6.05. - CREATION OF NEW MUNICIPALITIES.

* * *

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~~]] >>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 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 percent (20%) of the electors in the proposed incorporation area and shall notify the Board of County Commissioners. 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

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~~]] >>County<<, 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~~]] >>County<<. 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 [[~~Supervisor of Elections~~]] >>Incorporation Committee<< 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 such other time as the Supervisor of Elections provides for 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.

* * *

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~~]] >>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.

* * *

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:

* * *

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 such other time as the Supervisor of Elections provides for such election<<. The result shall be determined by a majority vote of the electors voting on the proposal.

* * *

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:

* * *

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 >>, or at such other time as the Supervisor of Elections provides for such election<<.

* * *

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 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.~~
]]

>>A. The County shall not abolish, impair or transfer the jurisdiction, responsibilities, powers or duties of the County Constitutional Officers set forth in the Florida Constitution and general law except as permitted therein.

B. The County 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 at such meetings, on matters within their jurisdiction, responsibilities, powers or duties. The County Constitutional Officers shall also have the power to present matters to be considered by the Commission at the next regular meeting of the Commission when state law requires action by the Commission to exercise the County Constitutional Officers' responsibilities, powers or duties.

C. The County may enter into contracts with the County Constitutional Officers for the joint performance or performance by one on behalf of the other of any authorized function of such government unit.<<

* * *

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~~]] >>County, which<<[[~~, 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 9.10. - 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. >>The Clerk of the Court and Comptroller shall have the exclusive authority to perform audits as set forth in state law.<<

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~~]], 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.

* * *

2025 BCC/Committee Meetings Assignments

September Meetings			
Scheduled Meeting	Commission Reporter	Back-up	Support Staff
9.3.25 – BCC			
9.4.25 – 1st Budget			
9.8.25 – PC			
9.8.25 – IITC			
8.25 – RTC			
9.9.25 – TC			
9.9.25 – SHC			
9.9.25 – HC			
9.10.25 – AC			
9.10.25 – APC			
9.10.25 – PRC			
9.11.25 – GETC (Ad Hoc)			
9.17.25 – CRB (MDC Community Relations Bd)			
9.18.25 – MDEAT (MDC Economic Advocacy Trust)			
9.18.25 – 2nd Budget			
9.22.25 – BHAB (Behavioral Health Adv Bd)			
9.25.25 – CDMP & Zoning			
TBD – MAB (Military Advisory Bd)			
TBD – TDC (Qtr mtgs- Based on invite) (Tourist Development Council)			

EXECUTIVE OFFICE OF THE GOVERNOR
DEPARTMENT OF GOVERNMENT EFFICIENCY

August 4, 2025

Dear Mayor Cava,

As you know, Governor DeSantis established the Florida DOGE team and charged us with identifying and reporting on excessive spending at the local level. We appreciated your response to our July 11, 2025 letter, which confirmed the 29% increase in countywide property tax revenues to Miami-Dade County between FY 20-21 and FY 23-24 – over $430 million in additional countywide ad valorem revenue. Your response also documents the 56% increase in the revenue generated by local option food & beverage taxes, and substantial increases in numerous other revenue sources, totaling nearly $3 billion more in county revenue in FY 23-24 than in FY 20-21.

Particularly in light of these increases in revenue, we are concerned about the $400M+ budget gap that you have announced. We are therefore making the requests below for additional information about county expenditures. Pursuant to the Governor's authority under Article 4, Section 1(a) of the Florida Constitution, the Chief Financial Officer's authority under ss. 17.04 and 17.05, Florida Statutes, and the Office of Policy and Budget's authority under the Laws of Florida, chapter 2025(199), Section 124, please respond to the following requests by August 13, 2025.

After receiving your responses, we anticipate making a request for on-site access to data systems and responsive personnel on a subsequent date.

You may reach out to the Florida DOGE team and OPB regarding this request at 850-759-2440 or EOGDOGE@laspbs.state.fl.us.

Responses to the information requests may be provided electronically through the secure electronic portal to which you have previously uploaded documents.

You should note that financial penalties may accrue for your failure to comply with each of the following requests.

Sincerely,

Eric Soskin

Senior Advisor to the Governor and DOGE Team Lead

Executive Office of Governor Ron DeSantis

Blaise Ingoglia

Chief Financial Officer

State of Florida

Leda Kelly

Director, Office of Policy and Budget

Executive Office of Governor Ron DeSantis

Topic: Procurement and contracting

Request No.1 All policies, procedures, rules, and legal requirements for County contracts and purchases for which the mayor is delegated the authority to award pursuant to Miami-Dade County Ordinance § 2-8.1.

Request No. 2 You previously provided to us an Excel workbook titled "5-All Active Contracts Spend and PO Details," which included a worksheet titled "Spending Summary." For each Contract ID listed for which the total spending since FY23 exceeds $75,000 and is less than $5,000,000, please provide the line item or line items in the county budget in which the spending for this contract is budgeted.

Request No. 3 Provide the same information as for Request No. 3 for any new contracts exceeding $75,000 since the date that previous workbook was prepared.

Request No. 4 Identify each exercise of the authority referenced in Request No. 1 since January 1, 2023 and provide the Contract ID, amount awarded, and amount spent. You may provide this information by adding it to the Excel workbook referenced above or by providing the information separately.

Request No. 5 Since the beginning of FY 23, all information supporting the determination of the reasonableness of pricing for the awards responsive to Request No. 4.

Topic: Personnel Compensation

Request No. 1 You previously provided to us an Excel workbook titled "3A-List of current individual employee salary ranges," which lists salary ranges by employee ID number. For each entry in that workbook, provide the amount of gross wages, regular pay, overtime pay, bonuses, other cash compensation, and total compensation.

Request No. 2 All rules, procedures, and guidance at the department-wide level or above regarding promotions, step or level increases, or bonuses from FY 2019-20 to the present.

Request No. 3 A list of all decisions to provide department-wide or county-wide salary increases or bonuses from FY 2019-2020 to the present.

Request No. 4 For all decisions responsive to Request No. 3, any analysis conducted of the costs of such increases, alternatives, and projections of future associated costs and how such costs would be paid.

Management Practices

Request No. 1 Records of all inventories of tangible personal property, including:

a) the date of the most recent inventory performed to date

b) the reconciliation of that inventory to property records

c) records of disposal between inventories

d) identification of attractive personal property items

Request No. 2 For any county-owned property leased to another entity, private or public:

a) the amount of the lease

b) the terms of the lease

c) any assessment of the fair market value of the property

d) the basis and determination that such lease constitutes the best use of the property.

Request No. 3 For any purchase or sale of public-owned property, the most recent appraisal made prior to such purchase or sale.

Diversity, Equity, and Inclusion:

Request No. 1 Since January 1, 2023, all jobs with the responsibility to advance the diversity, equity, inclusion, or so-called anti-racism. Diversity, equity, and inclusion includes any form of preferential treatment based on race, ethnicity, gender, or the like (including the use of substitutes such as "cultural competence" or "lived experience" to conceal such preferential treatment), training sessions or other programs that separate people into groups based on intrinsic characteristics, and training or required statements about privilege, bias, diversity, racism, or belonging.

Request No. 2 The current positions and activities of any person who previously had such responsibilities and is still employed by Miami-Dade County

Request No. 3 Since January 1, 2023, the titles, dates of administration, and duration for any scheduled training for county personnel, or made available by the county to others (including but not limited to contractors, grant recipients, or members of the public) that included diversity, equity, inclusion, or anti-racism as a topic or subject.

Request No. 4 Since January 1, 2023, the titles of any unscheduled or self-service training for county personnel, or made available by the county to others (including but not limited to contractors, grant recipients, or members of the public) that included diversity, equity, inclusion, or anti-racism as a topic or subject.

Request No. 5 For any training responsive to Request No. 3 or Request No. 4, a copy of all training materials used, provided to participants, or made available for participants to obtain voluntarily.

Request No. 6 For any training responsive to Request No. 3 or Request No. 4, the identities and qualifications of those conducting the training.

Request No. 7 For any training responsive to Request No. 3 or Request No. 4, the names and positions of those attending the training.

Request No. 8 For any training responsive to Request No. 3 or Request No. 4, the identities and qualifications of those conducting the training.

Request No. 9 For any training responsive to Request No. 3 or Request No. 4, all costs and expenses associated with the training.

Request No. 10 For any training responsive to Request No. 3 or Request No. 4, if the training was conducted by a contractor or other external entity, all documents related to the qualifications, selection, and payment of such individual, contractor or entity.

Request No.11 Any program operated by the county on the basis of an individual's race, ethnicity, or gender, or targeted to a specific group based on the group's racial, ethnic, or gender characteristics.

Request No. 12 Any grant made by the county to an organization that operates on the basis of, or for the benefit of, individuals of a specified race, ethnicity, sexual orientation, or gender identity other than male or female, or that targets a specific group or set of groups based on race, ethnicity, or sexual orientation.

Request No. 13 Any communication sent to all county staff, or to all staff within a county department, between January 1, 2019 and the present, regarding diversity, equity, inclusion, DEI, or so-called anti-racism.

Green New Deal

Request No. 1: Since January 1, 2023, any purchases or other expenses for the lease or acquisition of battery-electric vehicles (EVs), EV infrastructure, energy purchases associated with EV infrastructure, solar power systems, carbon credits, carbon charges, or

other emissions reduction mechanisms, , and for each such expense, provide any records, assessments, or analysis of:

a) Any alternative purchase option, including but not limited to, no-purchase options, purchase or lease of internal combustion engine powered vehicles, power generated from other sources;

b) any analysis of the impact of the action on global climate;

c) records of the reliability of any EV, EV infrastructure, or solar power system in use by the county during the time period from January 1, 2019 to present;

d) records of all training related to the topic of climate change, battery-electric vehicles, or solar power, including the justifications, content, and attendance records for such training, and the location and costs (including travel costs) of such training.

Grants and Other Financial Management

Request No. 1: Policies, procedures, rules, and legal requirements including procedures for making awards and for monitoring compliance and performance, for grants made to nonprofits, including community-based organizations.

Request No. 2: For all such grants made since January 1, 2023:

a) the amount of such grant

b) all grant documents

c) the budget line item from which the grant has been funded in each fiscal year

d) all records of payments made pursuant to such grants

Request No. 2: For all grants received by the county other than those made by a state agency, in partnership with a state agency, or administered by a state agency:

a) the matching requirements for such grants, if any

b) the source of funding for the match

c) records of the decision to pursue such grant

d) analysis of the impact of the grant, including any assumptions made in support of the analysis.

Transportation

Request No. 1: Since January 1, 2023, for all installations of traffic calming devices, included but not limited to speed tables, speed humps, raised intersections, curb extensions, and chokers, the following information:

a) the location, capital, planned lifecycle, and expected annual maintenance costs

b) the basis for the installation, including any plan, analysis, or recommendation

c) information related to the consideration of any alternatives

Request No. 2: For all traffic calming devices not included in Request No. 9, the planned lifecycle and expected annual maintenance costs

Request No. 3: For all bicycle and pedestrian improvement projects funded since January 1, 2023, or planned as part of the current capital improvement plan, the calculations of maintenance and operating expenses and the assumptions on which these calculations are based.

Request No. 4: For all bicycle and pedestrian improvement projects completed since January 1, 2020, all actual maintenance and operating expenses.

People and Internal Operations Department
Human Rights & Fair Employment Practices

Sexual Harassment Prevention Training
Acknowledgment Form

On April 10, 2018, the Miami-Dade County Board of County Commissioner's adopted Resolution No. R-355-18, which requires all members of a County Advisory Board to complete a mandatory sexual harassment prevention training as a condition to membership.

My signature below certifies that I have viewed the above indicated training class, understood the contents noted, and will abide by the policies and procedures presented.

If I have questions about the training, materials presented or Miami-Dade County policy and procedures, I understand it is my responsibility to seek clarification from the Human Rights & Fair Employment Practices Division of the Human Resources Department.

Board Member Name: _____

Board Member Signature: _____

Board: _____

Date of Viewing: _____

Please submit this form to Tracey Mocombe, HRFEP Specialist, at tracey.mocombe@miamidade.gov. If you have any questions, she can be reached at (305) 375-4586.

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

Stephen P. Clark Center
Commission Chambers
111 NW 1st Street
Miami, Florida
September 5, 2025
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Chester Rodriguez, Commission Reporter
(305) 375-3819

2024 V1

FINAL OFFICIAL 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, 2nd floor Commission Chamber: 111 NW 1st St, Miami, FL 33128, on September 5th, 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;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland Deputy Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
- Dr. Carladenise Edwards, Chief Administrative Officer, Office of the Mayor;
- 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)
- 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.

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 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 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 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 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 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.

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 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.

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.

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 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.

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."

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.

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.

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.

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.

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.

Chairman Dennis Kerbel

Charter Review Task Force

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
September 5th, 2025

Prepared by: Chester Rodriguez

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	Copy of Miami Dade County Charter Review Task Force Agenda
-	Copy of Exhibit A
-	Copy of Exhibit B
-	Copy of Revised Exhibit B
-	Copy of Response to Charter Review Member Questions Regarding Definition of Audit

Miami-Dade County Charter Review Task Force Agenda
Official Version
Friday, September 5, 2025
1:00 PM
Commission Chambers

I. Roll Call

II. Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

IV. Carry Over Discussion – Amendments relating to Constitutional Officers
   A. Office of the Inspector General
   B. Office of the Commission Auditor
   C. Internal Compliance Department
   D. Office of Management & Budget

V. Overview of Draft Amendments relating to Constitutional Officers

VI. Proposed Technical Amendment Overview

VII. Discussion on Amendments regarding the Structure of County Government

VIII. Other Discussion Items

IX. Adjournment

Attachments:
Exhibit A: Proposed Technical Amendment Overview
Exhibit B: Proposed Office of Management & Budget Amendment

Exhibit A

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

Exhibit A

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

Exhibit A

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 p ublic 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.

Exhibit A

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;

Exhibit A

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

Exhibit A

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.

Exhibit B

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 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.<<

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 26of 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.

Exhibit B

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.

Revised-Exhibit B

EXHIBIT

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<<

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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.

EXHIBIT

Response to Charter Review Member Questions Regarding Definition of Audit

- *General.* The Clerk and Comptroller is the auditor of all County funds. Art. V, § 16, Fla. Const. ("duties of the clerk of the circuit court" include "serving as ... auditor ... of all county funds."); Art. VIII, § 1(d), Fla. Const. (similar); § 129.09, Fla. Stat. ("Any clerk of the circuit court, acting as county auditor...."); *Ray v. Wilson*, 29 Fla. 342, 10 So. 613, 614 (Fla. 1892) ("the clerks of the different counties shall audit all accounts against their respective counties in the same manner as prescribed for the comptroller to audit accounts against the state"); *W and F Ltd. v. Dunkle*, 444 So. 2d 554, 558 (Fla. 4th DCA 1984) ("The taxpayers look to the clerk's audits to shield them from the kinds of misuse of public funds that have recently surfaced in other Florida communities and in other jurisdictions.").

- *All County Accounts.* All County accounts must at all times be subject to the Clerk & Comptroller's inspection and examination. § 136.08, Fla. Stat.

- *Prepayment Audits.* "The clerk has the authority and responsibility to perform the auditing functions both as an arm of the board in auditing the records of constitutional officers and as a watchdog of the board in the case of pre-auditing accounts of the board in determining legality of expenditure." *Alachua Cnty. v. Powers*, 351 So. 2d 32, 37 (Fla. 1977). The "legality of expenditure" concerns whether "the funds are spent for a public purpose ... the funds are spent in conformity with county purchasing procedures or statutory bidding procedures, [and] the expenditure does not overspend any account or fund of the budget as finally adopted and recorded in the office of the clerk." *Id.*

- *Postpayment Audits.* "Postpayment audits to verify the legality of payments that have been made are necessary to effectively carry out the clerk's duty to ensure that County funds are expended only as authorized by law. Verification of the legality of payments already made – a process which tests the soundness of existing internal controls – is directly related to ensuring that future payments are legal." *Brock v. Bd. of Cnty. Comm'rs of Collier Cnty.*, 21 So. 3d 844, 847 (Fla. 2d DCA 2009) (Florida Supreme Court originally accepted jurisdiction to consider the Second DCA's *Brock* decision and then dismissed the case which left the Second DCA's *Brock* decision as-is as legal precedence in Florida).

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

Stephen P. Clark Center
Commission Chambers
111 NW 1st Street
Miami, Florida
September 17, 2025
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Flora Garcia, Commission Reporter
(305) 375-4906

2024 V1

FINAL OFFICIAL MINUTES
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 118);
- 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:

- Mr. Mr. Michael Valdez, Assistant County Attorney (ACA);
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
- 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.

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.

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.

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

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:

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

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.)

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

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.

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-charted 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 the140% 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

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.

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.

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.

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.

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.

Chairman Dennis Kerbel

Charter Review Task Force

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
September 17, 2025

Prepared by: Flora Garcia

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	Meeting Agenda
-	Attachment 1
-	Attachment 2
-	Attachment 3
-	Attachment 4
-	Attachment 5
-	Attachment 6
-	Attachment 7

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

I. Roll Call

II. Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

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

V. Proposed Ballot Title & Summaries
   A. Technical Changes/Amendments
   B. Constitutional Officers

VI. Discussion on the Structure of County Government

VII. Other Discussion Items
   A. Meeting Schedule

VIII. Adjournment

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

PART I - CONSTITUTIONAL AMENDMENT AND CHARTER[1]

THE HOME RULE AMENDMENT AND CHARTER

(AS AMENDED THROUGH NOVEMBER 8, 2018)

MIAMI-DADE COUNTY, FLORIDA

The Miami-Dade County Home Rule Amendment to the Florida State Constitution was adopted November 6, 1956.

The Miami-Dade County Home Rule Charter was adopted May 21, 1957.

ARTICLE 1. - BOARD OF COUNTY COMMISSIONERS

SECTION 1.01. - POWERS.

A. The Board of County Commissioners shall be the legislative and the governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but shall not be restricted to the powers to:

1. Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking.
2. Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems.
3. License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.
4. Provide central records, training, and communications for fire and police protection; provide traffic control [[~~and central crime investigation~~]]; provide fire stations, jails, and related facilities; and subject to Section 1.01A(18) provide a uniform system for fire and >>municipal<< police protection.
5. Prepare and enforce comprehensive plans for the development of the county; provided, however, any decision to include any additional land within the Urban Development Boundary of the County's Comprehensive Development Master Plan shall require a two-thirds vote of the Board of County Commissioners then in office.
6. Provide hospitals and uniform health and welfare programs.
7. Provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.
8. Establish housing, slum clearance, urban renewal, conservation, flood and beach erosion control, air pollution control, and drainage programs and cooperate with governmental agencies and private enterprises in the development and operation of these programs.
9. Provide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs.
10. Levy and collect taxes and special assessments, borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner, and subject to such limitations, as may be provided by law.
11. By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets,

sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board; provided, however, that: (1) when an existing or proposed special purpose district is located entirely within the boundaries of a municipality, the Board of County Commissioners may, by ordinance, provide that upon assumption by a municipality of any and all liabilities of an existing special purpose district or upon the creation of a proposed special purpose district, the governing body of such municipality be the governing body of the special purpose district rather than the Board of County Commissioners; and (2) the governing board of the Children's Trust shall not be the Board of County Commissioners, but shall have membership as provided in state law for children's service councils serving home rule charter counties. The Children's Trust shall have the authority to fund improvements to children's health, development and safety; promote parental and community responsibility for children; levy an annual ad valorem tax not to exceed one-half (½) mill to supplement current county expenditures for children services and require voter renewal in 2008.

12. Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.

13. Adopt and enforce uniform building and related technical codes and regulations for both the incorporated and unincorporated areas of the county; provide for examinations for contractors and all parties engaged in the building trades and for the issuance of certificates of competency and their revocation after hearing. Such certificates shall be recognized and required for the issuance of a license in all municipalities in the county. No municipality shall be entitled to require examinations or any additional certificate of competency or impose any other conditions for the issuance of a municipal license except the payment of the customary fee. The municipality may issue building permits and conduct the necessary inspections in accordance with the uniform codes and charge fees therefor.

14. Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water supply, treatment, and service systems, and public transportation systems, provided, however, that:

    (a) Franchises under this subsection may only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election.

    (b) The county shall not operate a light, power, or telephone utility to serve any territory in the county which is being supplied with similar service except by a majority vote of those qualified electors voting in an election held not less than six months after the Board has passed an ordinance to that effect by a two-thirds vote of the members of the Board present. Such ordinance shall contain information on cost, method of financing, agency to regulate rates, agency to operate, location, and other information necessary to inform the general public of the feasibility and practicability of the proposed operation.

15. Use public funds for the purposes of promoting the development of the county, including advertising of the area's advantages.

16. Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas and approve municipal regulations on hours of sale of alcoholic beverages.

17. Enter into contracts with other governmental units within or outside the boundaries of the county >>and with County Constitutional Officers<< for joint performance or performance by one unit in behalf of the other of any authorized function.

18. Set reasonable minimum standards for all governmental units in the county for the performance of any service or function. The standards shall not be discriminatory as between similar areas. If a governmental unit fails to comply with such standards, and does not correct such failure after

reasonable notice by the Board, then the Board may take over and perform, regulate, or grant franchises to operate any such service. The Board may also take over and operate, or grant franchises to operate any municipal service if:

(a) In an election called by the Board of County Commissioners within the municipality a majority of those voting vote in favor of turning the service over to the county; or

(b) The governing body of the municipality requests the county to take over the service by a two-thirds vote of its members, or by referendum.

19. By ordinance, abolish or consolidate [[~~the office of constables, or~~]] any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, >>to abolish or impair the jurisdiction, responsibilities, power or duties of the County Constitutional Officers set forth in the Florida Constitution or by general law, except as set forth therein,<< or to abolish or impair the jurisdiction of the Circuit Court or to abolish any other Court, provided by the Constitution or by general law, or the judges or clerks thereof.

20. Make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records.

21. Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.

22. Adopt such ordinances and resolutions as may be required in the exercise of its powers, and prescribe fines and penalties for the violation of ordinances.

23. Perform any other acts consistent with law which are required by this Charter or which are in the common interest of the people of the county.

24. Supersede, nullify, or amend any special law applying to this county, or any general law applying only to this county, or any general law where specifically authorized by the Constitution.

B. No enumeration of powers in this Charter shall be deemed exclusive or restrictive and the foregoing powers shall be deemed to include all implied powers necessary and proper to carrying out such powers. All of these powers may be exercised in the incorporated and unincorporated areas, subject to the procedures herein provided in certain cases relating to municipalities.

C. The Board shall have the power of eminent domain and the right to condemn property for public purposes. The Board shall make fair and just compensation for any properties acquired in the exercise of its powers, duties, or functions. The Board shall also provide for the acquisition or transfer of property, the payment, assumption, or other satisfaction of the debts, and the protection of pension rights of affected employees of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

D. The Board shall be entitled to levy in the unincorporated areas all taxes authorized to be levied by municipalities and to receive from the state any revenues collected in the unincorporated areas on the same basis as municipalities.

SECTION 1.02. - RESOLUTIONS AND ORDINANCES.

A. The Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

B. Every ordinance shall be introduced in writing and shall contain a brief title. The enacting clause shall be "Be it Ordained by the Board." After passage on first reading, a short summary of the ordinance

shall be published in a daily newspaper of general circulation at least once together with a notice of the time when and place where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one week prior to the time advertised for hearing. No ordinance shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent.

C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the Board may pass the ordinance with or without amendment. No provision herein shall prohibit a committee of the commission from conducting such public hearing, as provided by Section 1.08.

D. The Board may adopt in whole or in part any published code by reference as an ordinance in the manner provided by law.

E. The effective date of any ordinance shall be prescribed therein, but the effective date shall not be earlier than ten days after its enactment.

F. To meet a public emergency affecting life, health, property, or public safety the Board by two-thirds vote of the members of the Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Board shall have it published in full within ten days in a daily newspaper of general circulation.

G. Each ordinance and resolution after adoption shall be given a serial number and shall be entered by the clerk in a properly indexed record kept for that purpose.

H. Within two years after adoption of this Charter the Board shall have prepared a general codification of all county ordinances and resolutions having the effect of law. The general codification thus prepared shall be adopted by the Board in a single ordinance. After adoption the Board shall have the codification printed immediately in an appropriate manner together with the Charter and such rules and regulations as the Board may direct. Additions or amendments to the code shall be prepared, adopted, and printed at least every two years.

SECTION 1.03. - DISTRICTS.

A. There shall be thirteen County Commission districts. The current boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.

B. The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

SECTION 1.04. - COMPOSITION OF THE COMMISSION.

The Commission shall consist of thirteen members, each of whom shall be a qualified elector residing within his or her district for at least six months and within the County for at least three years before qualifying and who shall be elected by the qualified electors of his or her district.

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

A. Any member of the Board of County Commissioners who ceases to be a qualified voter of the county or removes himself from the county or the district from which he was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his office. Any Commissioner who ceases to reside in the district which he represents shall also immediately forfeit his office.

B. Any elected or appointed county official who holds any other elective office, whether federal, state or municipal, shall forfeit his county position, provided that the provisions of this subsection shall not apply to any officials presently holding such other office during the remainder of the present terms.

C. Any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, >>or any County Constitutional Officer<< [[~~Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser~~]] shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

SECTION 1.06. - SALARY.

Each County Commissioner shall receive a salary of $6,000 per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

SECTION 1.07. - VACANCIES IN THE OFFICE OF MAYOR OR COUNTY COMMISSIONER.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 90 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

Notwithstanding the foregoing, a vacancy in the office of Mayor or the members of the Board which will be created as a result of an irrevocable resignation to run for another office that is effective after the Primary or General Election in accordance with state law shall be filled by election as if the officer's term were otherwise scheduled to expire. A person elected to fill such vacancy shall take office on the effective date of the resigning officer's resignation and serve for the remainder of the unexpired term of office.

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

SECTION 1.08. - ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES.

The Mayor shall not be a member of the Commission. The Commission shall select the chairperson and vice-chairperson of the Commission. The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.

The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission may appoint its members or authorize the Chairperson to appoint committee members. Commission committees may conduct public

hearings, as authorized by ordinance of the Commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

ARTICLE 2. - MAYOR

SECTION 2.01. - ELECTION OF MAYOR.

There shall be elected by the qualified electors of the county at large a Mayor who shall be a qualified elector residing within the county at least three years before qualifying. The Mayor shall not serve as a member of the Commission.

SECTION 2.02. - RESPONSIBILITIES OF THE MAYOR.

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

A. The Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Commission. The Mayor, or such other persons who may be designated by the Mayor, shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness. The Mayor shall serve as the head of the County for emergency management purposes.

B. The Mayor shall have the right to attend and be heard at any regular or special open session meeting of the Commission, but not the right to vote at such meetings.

C. Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause.

D. The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.

E. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners.

F. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.

SECTION 2.03. - TEMPORARY TRANSFER OF MAYORAL POWERS AND RESPONSIBILITIES UPON A VACANCY OR INCAPACITY IN THE OFFICE OF MAYOR.

Upon a vacancy or incapacity in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter or the Mayor is no longer incapacitated, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary

powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission. If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in a commissioner chosen by a majority of those Board members present. The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. The Board shall by ordinance establish a definition of incapacity in the Office of Mayor for purposes of this Section.

ARTICLE 3. - ELECTIONS

SECTION 3.01. - ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections.

B. A candidate for County Commission or Mayor must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot. No votes cast in favor of any candidate who withdraws, becomes disqualified, or becomes deceased prior to any election shall be counted. The names of unopposed candidates for Mayor and County Commissioners shall not appear on an election ballot and such election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

C. Except as otherwise provided in this Charter, beginning with the elections in 2004, the terms of office of the Mayor and County Commissioners shall commence on the second Tuesday next succeeding the date of the general election in November.

D. Notwithstanding any other provision of this Charter, effective with the term of Mayor scheduled to commence in October, 1996, no person shall be elected as Mayor for more than two consecutive four-year terms. Neither service as Mayor or County Commissioner prior to the terms scheduled to commence in October, 1996, nor service of a partial term subsequent to October, 1996, shall be considered in applying the term limitation provisions of this section.

E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four-year terms. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two term limit.

SECTION 3.02. - OATH OF OFFICE.

In addition to the oath of office set forth in the Florida Constitution for state and county officers, each County Commissioner and the County Mayor shall, upon entering the duties of such offices, swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Miami-Dade County Home Rule Charter and Government of Miami-Dade County and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God."

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

SECTION 3.03. - NONPARTISAN ELECTIONS.

All elections for Mayor[[~~, Clerk of the Circuit Court~~]] and the members of the Board shall be nonpartisan and no ballot shall show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.

SECTION 3.04. - QUALIFICATIONS AND FILING FEE.

A. All candidates for the office of Mayor or County Commissioner shall qualify with the >>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 may be 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 (⅔) 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.

Attachment 2

Proposed Language for Charter Amendment Making Technical Changes

BALLOT TITLE:

CHARTER AMENDMENT
MISCELLANEOUS MATTERS AND TECHNICAL CHANGES

BALLOT SUMMARY:

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

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

BALLOT TITLE:

CHARTER AMENDMENT
REVISIONS DUE TO REESTABLISHMENT OF ELECTED COUNTY CONSTITUTIONAL OFFICES

BALLOT SUMMARY:

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

Attachment 3

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

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

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

Plaintiff does not dispute that both the will and the policy designations named the trust as the beneficiary of the proceeds of both policies. Plaintiff makes no allegation that Defendant received notice that she or any other party claimed to be entitled to the proceeds of the policies before payment was made. In fact no such claim was made until Plaintiff instituted this action, long after payment was made under the policies. The undisputed facts of this case clearly indicate that Defendant made payment of the proceeds of the policies in accordance with the terms of the policies to the beneficiary designated in the policies. Thus, under Section 627.423, Defendant is fully discharged from all claims under the New York Life policies.

Conclusion

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

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

Accordingly, it is

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

DONE AND ORDERED.



Carrie MEEK, et al., Plaintiffs,

v.

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

No. 86-1820-CIV.

United States District Court, S.D. Florida.

May 26, 1992.

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

Attachment 3

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

Motion for summary judgment denied.

1. Federal Civil Procedure ⇐2544

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

2. Federal Civil Procedure ⇐2470.1

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

3. Federal Civil Procedure ⇐2470.2

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

4. Federal Civil Procedure ⇐2543

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

5. Federal Civil Procedure ⇐2544

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

6. Federal Civil Procedure ⇐2544

If party moving for summary judgment relief does not meet its burden, court can still enter order granting partial summary judgment on the material facts which have no substantial controversy. Fed. Rules Civ.Proc.Rule 56(d), 28 U.S.C.A.

7. Elections ⇐12(3)

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

8. Federal Courts ⇐951

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

9. Elections ⇐12(9)

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

10. Federal Courts ⇐955

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

11. Counties ⇐38

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

Attachment 3

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

12. Federal Civil Procedure ⇐2481

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

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

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

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

MEMORANDUM OPINION AND ORDER

GRAHAM, District Judge.

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

The Court having considered the motions, responses, replies, the pertinent portions of the record, and having heard oral argument of counsel in this action, hereby DENIES final summary judgment specifically as to the third prong in *Thornburg v. Gingles*, 478 U.S. 30, 106 S.Ct. 2752, 92 L.Ed.2d 25 (1986).

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

I. BACKGROUND

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

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

1. Hereafter referred to as "Plaintiffs" or "Hispanic Plaintiffs" or "Black Plaintiffs".

2. Hereafter referred to as "Dade" or "the County".

3. Section 2 of the Voting Rights Act, as amended in 1982 provides:

> (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided by subsection (b) of this section.
>
> (b) A violation of subsection (a) of this section is established if, based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered:
> *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in population.

42 U.S.C. § 1973 (1982).

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

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

On appeal to the Eleventh Circuit Court of Appeals, the Eleventh Circuit reversed and remanded the case to this Court. *Meek v. Metropolitan Dade County*, 908 F.2d 1540 (11th Cir.1990), *cert. denied*, — U.S. ——, 111 S.Ct. 1108, 113 L.Ed.2d 217 (1991). The Eleventh Circuit held that the District Court erroneously applied the third factor in *Gingles*. The Eleventh Circuit opined that although the Non-Hispanic White voting bloc did not constitute a majority, when paired with politically cohesive Blacks, who tend to vote against Hispanic candidates, a majority is formed which usually denies the Hispanics the opportunity to elect their preferred candidate. *Meek*, 908 F.2d at 1546–47. The Eleventh Circuit noted the District Court's lack of evidence of the voting age Hispanic population to support its conclusion. *Id.*

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

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

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

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

Moreover, Judge King's order dated July 30, 1991 769 F.Supp. 1220 (S.D.Fla.1991), also implies that the first prong of the *Gingles* test has been satisfied. Judge King's analysis of the Hispanic Plaintiffs, motion began by stating that "[t]he factual issue in question involves whether Hispanics are indeed an electoral minority that can be blocked from electing their preferred representatives." Order of July 30, 1991 at 1221. In concluding, Judge King again stated that "it is the conclusion of this court that genuine issues of material fact remain as to the third prong of the *Gingles* test." *Id.* at 1222–23. Thus, this Court finds that although Judge King didn't expressly address the first two prongs of the *Gingles* test, the July 30, 1991 order implies that those issues are resolved.

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

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

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

The Court concluded as follows:

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

Id. at 1222.

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

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

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

II. SUMMARY JUDGMENT STANDARD

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

7. As to materiality, the substantive law will identify which facts are material. Only disputed facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S.Ct. 2505, 2510, 91 L.Ed.2d 202 (1986).

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

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

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

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

9. Rule 56(d) provides:

> (d) **Case Not Fully Adjudicated on Motion.** If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

III. GOVERNING LAW

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

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

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

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

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

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

Id. at 1549.

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

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

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

> 1) The extent of any history of official discrimination in the state or political subdivision that touches the right of the members of the minority group to register, to vote or otherwise to participate in the democratic process;
>
> 2) The extent to which voting in the elections of the state or political subdivision is racially polarized;
>
> 3) The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;
>
> 4) If there is a candidate slating process, whether the members of the minority group have been denied access to that process;
>
> 5) The extent to which members of the minority group in the state or political subdivision bear the effects of past discrimination which hinders their ability to participate effectively in the political process;
>
> 6) Whether political campaigns have been characterized by overt or subtle racial appeals;
>
> 7) The extent to which members of the minority group have been elected to public office in the jurisdiction.

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IV. ANALYSIS

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

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

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

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

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

The Court can also consider the following additional factors:

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

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

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

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

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

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

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

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

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

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

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

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

The computation then excludes the ineligible, voting age Hispanics from the County's total voting age population and concludes that the number of eligible voters in Dade County is 1,180,506.[17] The Hispanic Plaintiffs then claim that dividing the number of eligible, voting age Hispanics by the total voting age population in Dade County makes eligible, voting age Hispanics 38.-40% of the County's total voting age population.[18]

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

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

VI. CONCLUSION

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

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

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

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

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

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

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ic Plaintiffs' motion for final summary judgment is DENIED.

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

DONE AND ORDERED.



Carrie MEEK, et al., Plaintiffs,

v.

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

No. 86-1820-CIV.

United States District Court, S.D. Florida.

Sept. 11, 1992.

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

So ordered.

1. Elections ⇐12(3)

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

2. Elections ⇐12(3)

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

3. Counties ⇐38

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

4. Counties ⇐38

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

5. Counties ⇐38

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

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 86-1820-CIV-GRAHAM

CARRIE MEEK, et al.,

Plaintiffs,

vs.

METROPOLITAN DADE COUNTY, et al.,

Defendants.
_____/

FILED by CR D.C.
Dec 10, 1992
T. G. CHILTON
CLERK U.S. DIST. CT.
S.D. OF FLA.-MIAMI

MEMORANDUM OPINION AND REMEDIAL ORDER

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

Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.[1]

I. PROCEDURAL BACKGROUND

A. LIABILITY PHASE OF THE CASE

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

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

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

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

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

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

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

B. REMEDIAL PHASE OF THE CASE

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

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

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

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

II. LEGAL STANDARDS FOR EVALUATION OF REMEDIAL PLANS

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

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

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

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

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

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

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

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

III. THE PLANS

A. DEFENDANTS' PLANS

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

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

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

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

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

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

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

B. PLAINTIFFS' PLAN

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

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

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

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

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

IV. APPLYING THE STANDARDS TO DEFENDANTS' PLAN

A. DEFENDANTS' ORIGINAL PLAN IS A LEGISLATIVE PLAN

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

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Blacks under the two systems).

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

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

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

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9 The Hispanic Plaintiffs did not join in this argument.

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

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

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

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

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

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

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

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

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

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

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

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

C. THE REGIONS

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

1. One-Person, One-Vote Issues

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

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

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

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

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

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

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

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

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

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

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

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

2. Voting Rights Act Issues

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

a. Barriers Created By These Regions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Defendants' Attempted Justifications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. CONCLUSION

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

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

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

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

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

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

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

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

DONE AND ORDERED in Chambers at Miami, Florida, this 9th day of December 1992.

DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: All counsel of Record

Attachment 5

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

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

Council/Manager form of government: Commission appoints a County Manager to handle administrative matters. Mayors or Board Chairs are appointed by the Commission.
Strong Mayor form of government: Mayor is elected countywide, acts as the chief executive officer, and appoints and removes department heads.

Jurisdiction	Form of Government	Board Structure	
		Number of Members and Form of Representation	Term Limits
Miami-Dade County	Strong Mayor	13 Commissioners • Single member districts	2 consecutive 4-year terms
Broward County	Council/Manager	9 Commissioners • Single member districts	3 consecutive 4-year terms
Palm Beach County	Council/Manager	7 Commissioners • Single member districts	2 consecutive 4-year terms
Jacksonville-Duval County (consolidated city-county)	Strong Mayor	19 Council Members • 14 representing single-member districts and 5 elected at-large	2 consecutive 4-year terms
Lee County	Council/Manager	5 Commissioners • Single member districts	2 consecutive 4-year terms
Polk County	Council/Manager	5 Commissioners • At large districts	3 consecutive 4-year terms
Brevard County	Council/Manager	5 Commissioners • Single member districts	2 consecutive 4-year terms

Jurisdiction	Form of Government	Board Structure	
		Number of Members and Form of Representation	Term Limits
Orange County	Strong Mayor • Elected countywide and sits on the board as a voting member and serves as board chair • County Administrator serves at the pleasure of the Mayor	6 Commissioners (excluding Mayor) • Single member districts • County Mayor is board chair and is a voting member of the board	2 consecutive 4-year terms
Hillsborough County	Council/Manager	7 Commissioners • 4 Single member districts • 3 At large members	2 consecutive 4-year terms* in the same type of seat (i.e. single member district vs. at large) *Following the decennial census, terms for single member districts are 2 years.
Seminole County	Council/Manager	5 Commissioners • Single member districts	4-year term; no term limits
Pinellas County	Council/Manager	7 Commissioners • 4 Single member districts • 3 At large members	3 consecutive 4-year terms

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

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

	amended Charter, which limits and redefines the powers of the County Commission, reduces the number of County Commissioners to five, fixes Commissioner's salaries at $15,000 per annum, provides such revised Charter shall become effective immediately upon adoption, prescribes method by which such revised Charter may be abolished and contains other provisions as set forth in the initiatory petitions on file with Clerk of the County Commission?		

Attachment 7

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

October 2024

The Florida Legislature's

Office of Economic and Demographic Research

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

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

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

The statutory salary provisions apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as those officials of counties that have a chartered consolidated form of government as provided in Chapter 67-1320, L.O.F., (i.e., Duval County).[7] The adoption of a charter provides the county's electors with a mechanism to fundamentally alter the form of county government and the status of constitutional officers.[8] Salaries have been computed for all officers of charter counties and are provided for reference purposes even though the statutorily-calculated figures may not be applicable.

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

1. Section 5, Art. II, State Constitution.
2. Chapter 73-173, L.O.F.
3. Section 145.011, F.S.
4. Florida Attorney General Opinion 2008-28 available at https://www.myfloridalegal.com/ag-opinions.
5. Chapters 2009-3 and 2009-59, L.O.F.
6. Chapter 2011-158, L.O.F.
7. Section 145.012, F.S.
8. According to the Florida Association of Counties, Florida's charter counties and their respective year of charter adoption are as follows: Alachua (1987), Brevard (1994), Broward (1975), Charlotte (1986), Clay (1991), Columbia (2002), Duval (1968), Hillsborough (1983), Lee (1996), Leon (2002), Miami-Dade (1957), Orange (1987), Osceola (1992), Palm Beach (1985), Pinellas (1980), Polk (1998), Sarasota (1971), Seminole (1989), Volusia (1971) and Wakulla (2008) available at https://www.fl-counties.com/index.php/charter-county-information.
9. Sections 145.031, 145.051, 145.071, 145.09, 145.10, 145.11, 1001.395, 1001.47, F.S.

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

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

General Law Amendments Affecting Elected County and School District Officers' Compensation:
Chapter 2024-86, L.O.F., amended s. 145.071, F.S., to increase the base salaries of county sheriffs by $5,000 across all population groups, effective July 1, 2024. Chapter 2024-90, L.O.F., amended ss. 145.11 and 1001.47, F.S., to increase the base salaries of county tax collectors and elected district school superintendents, respectively, by $5,000 across all population groups, effective July 1, 2024.

Definition of Terms Relevant to the Current Statutory Formula:
Population means the latest annual determination of population of local governments produced by EDR and provided to the Governor's Office in accordance with s. 186.901, F.S.[14] For the years between decennial censuses, the University of Florida's Bureau of Economic and Business Research (BEBR) generates annual population estimates for local governments, in accordance with a contract administered by EDR.

Salary means the total annual compensation, payable under the schedules set forth in Chapter 145, F.S., to be paid to an officer as personal income.[15]

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

Cumulative Annual Factor means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.[17]

10. Section 145.19(1)(c), F.S.
11. Section 145.19(2), F.S.
12. The letter from the Department of Management Services' Division of State Human Resource Management, which certified the annual factor and cumulative annual factor for the 2024-25 fiscal year, was dated September 25, 2024. (Letter on file with EDR.)
13. Chapter 84-241, L.O.F.
14. Section 145.021(1), F.S.
15. Section 145.021(2), F.S.
16. Section 145.19(1)(a), F.S.
17. Section 145.19(1)(b), F.S.

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

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

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

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

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

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

Sample Computation of Salary:
Alachua County's Clerk of Circuit Court, Property Appraiser, and Supervisor of Elections

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

Salary = [$30,175 + [(293,040 - 200,000) x 0.01575]] x 1.292 x 1.0301 x 4.1336 = $174,065

Salaries of Elected County Constitutional Officers:
Table 3 displays the salaries for the county constitutional officers calculated pursuant to the statutory formula. As previously mentioned, these salaries apply to all designated officers in all counties, except

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

those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as those officials of counties that have a chartered consolidated form of government as provided in Chapter 67-1320, L.O.F., (i.e., Duval County). The formula-based salaries of supervisors of elections are based upon a five-day workweek; however, if a supervisor does not keep his or her office open five days per week then the salary is prorated accordingly.[19] EDR's calculation of each supervisor of elections' salary is based on the assumption of a five-day workweek and does not reflect any applicable pro rata reduction. Each elected county constitutional officer may reduce his or her salary rate on a voluntary basis; however, the salary figures published in this report do not reflect any such voluntary reductions.[20] Additionally, these salary figures do not include any special qualification salary (discussed in the section entitled *Additional Compensation*), which may be awarded to eligible officers.

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

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

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

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

19. Section 145.09(2), F.S.
20. Sections 145.031(3), 145.051(3), 145.071(3), 145.09(4), 145.10(3), 145.11(3), F.S.
21. Sections 1001.395(2), 1001.47(6), F.S.
22. Section 145.19(2), F.S.
23. Florida Attorney General Opinion 79-87.
24. Section 145.19(2), F.S.

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

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

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

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

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

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

25. Sections 145.051(2), 145.071(2), 145.09(3), 145.10(2), 145.11(2), 1001.47(4), F.S.
26. Section 1001.47(5), F.S.
27. Section 1001.47(1), F.S.
28. Section 112.14, F.S.
29. Section 145.131(3), F.S.

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

Florida Attorney General Opinions:
Florida's Attorney General has issued the following legal opinions relevant to the salary issue.

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

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

Salaries of Other Elected State Officials and Full-Time Members of Commissions:
The salaries of Florida's elected state officials and full-time members of commissions are not set by a statutory salary formula, but are set annually in the General Appropriations Act and may be reduced on a voluntary basis.[31] Listed below are the salaries of those elected officials and commission members, effective July 1, 2024, which do not reflect any voluntary reductions.

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

30. https://www.myfloridalegal.com/ag-opinions
31. Section 8 of Chapter 2024-231, L.O.F.

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

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

Availability of Historical Salary Data:
Several compilations of prior years' salary data are available.[34]

32. Section 11.13(1), F.S.
33. Section 89 of Chapter 2024-228, L.O.F.
34. http://edr.state.fl.us/Content/local-government/data/data-a-to-z/s-z.cfm

Table 1
Florida's 2023 County Population Estimates

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

Data Source: "Florida Estimates of Population 2023" Bureau of Economic and Business Research, University of Florida.

Table 2

Salary Computation Statistics

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

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

Table 3

Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2024-25 Pursuant to the Salary Formula in Chapter 145, Florida Statutes

See Table Notes for Additional Clarification

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

Table 3

Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2024-25 Pursuant to the Salary Formula in Chapter 145, Florida Statutes

See Table Notes for Additional Clarification

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

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

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

Notes:

1) Salary figures have been calculated by the Florida Legislature's Office of Economic and Demographic Research (EDR) pursuant to the statutory formula in Chapter 145, F.S. Although not required by law, the EDR calculates salaries of elected county constitutional officers and school district officials as a service to county governments and school districts. County and school district officials are encouraged to independently compute and verify these salary figures.

2) The calculated salary figures for all officers reflect the use of April 1, 2023 countywide population estimates listed in "Florida Estimates of Population 2023" published by the University of Florida's Bureau of Economic and Business Research.

3) These salary figures may not be applicable to those elected county officers of a chartered consolidated government or those elected officers in counties having a home rule charter, which specifies another method of salary compensation. As indicated in this table, Florida currently has 20 charter counties.

4) Salary figures are included for each school district's superintendent even though the salaries determined by statutory formula are applicable only to elected school superintendents. As of July 30, 2024, Florida has 38 elected school superintendents.

5) These salary figures do not include any special qualification salary available to eligible clerks of circuit court, property appraisers, sheriffs, supervisors of elections, and tax collectors who have completed the required certification program specified in the relevant sections of Chapter 145, F.S. Additionally, the salary figures for elected school superintendents do not include any special qualification salary and performance salary incentive available to eligible elected school superintendents who have completed the required certification programs specified in Section 1001.47, F.S.

6) As the result of the following statutory authorizations: Chapters 2009-3, 2009-59, and 2011-158, L.O.F., each elected county constitutional officer and school district official may voluntarily reduce his or her salary rate. However, the salary figures listed in this table do not reflect any such voluntary reductions.

7) This table reflects the statutory change enacted by Chapter 2016-167, L.O.F., which made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors.

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

9) This table reflects the statutory change enacted by Chapter 2022-23, L.O.F., which increased the base salaries of county sheriffs by $5,000 across all population groups, effective July 1, 2022.

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

11) Pursuant to s. 145.19(2), F.S., the Florida Department of Management Services must annually certify two components of the salary formula calculation: the annual factor and cumulative annual factor. For the 2024-25 fiscal year, the certified annual factor is 1.0301 and the certified cumulative annual factor is 4.1336.

Appendix

Summary of Relevant Constitutional Provisions and Statutory Changes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2024 V1

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
OCTOBER 10, 2025

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its meeting at the Stephen P. Clark Center, Commission Chambers: 111 NW 1st Street, Miami, FL 33130, on October 10, 2025 at 10:33 a.m.

I – ROLL CALL

Prior to the Roll Call, Deputy Clerk Bryce Stephenson-Pickett announced that Ms. Stephanie Daniels, Mayor Joshua Dieguez, Mr. Robert Fernandez, Mayor Steven Losner, Ms. Rebecca Wakefield, and Vice Chairman Michael Redondo would be excused from today's meeting.

The following Task Force members were present at roll call:

- Senator Alexis Calatayud;
- Ms. Iris Escarra;
- Mr. Eric Eikenberg;
- Mr. Rafael E. Granado;
- Mr. Jose Jimenez;
- Former Miami-Dade County Commissioner Dennis Moss;
- Former City of North Miami Mayor Andre D. Pierre;
- Former City of Miami Shores Mayor Crystal Wagar; and
- Chairman Dennis Kerbel.

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

- Assistant County Attorney (ACA) Michael Valdes;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Mr. Luis Montaldo, COCC General Counsel;
- Ms. Barbara Galvez, COCC Chief Admin Officer;
- Mr. Carlos Maxwell, Assistant Director, Office of Management and Budget (OMB); and
- Bryce Stephenson-Pickett, Deputy Clerk, Clerk of the Board.

II – PLEDGE OF ALLEGIANCE

Mr. Granado 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 to speak, Chairman Kerbel closed the reasonable opportunity to be heard.

IV – CONTINUATION OF DISCUSSIONS ON THE STRUCTURE OF COUNTY GOVERNMENT

A. MOTIONS FOR CONSIDERATION

Chairman Kerbel called the meeting to order and continued the Task Force's discussion on the County's governmental structure. He explained that he had requested staff to distribute information regarding the Meek v. Metro Dade case to provide members with historical context about the current election voting process for County Commissioners. This request followed comments from Mayor Losner during the previous meeting. The Chairman also noted that the County Attorney's Office had prepared draft versions of potential motions based on commentary from the prior meeting for Task Force members to review.

Chairman Kerbel recapped the discussion from the previous meeting, noting that the Task Force had determined that including both salary and term limit questions on the ballot might not be well-received by voters. He suggested that Task Force members work toward reaching an agreement on the substance of term limits and base salary recommendations, and then present specific technical changes for the Board of County Commissioners (Board) to review and prioritize. Chairman Kerbel emphasized that this approach would allow the Board to consider the Task Force's recommendations while retaining full discretion to make additional revisions or suggestions for their own draft ballot language.

Regarding ballot question formatting, Chairman Kerbel explained that the Task Force had previously reviewed sample ballot questions when finalizing earlier rounds of amendments, specifically for the constitutional officer amendments and technical changes. He noted that such detailed review had been necessary to address concerns about ballot fatigue and to ensure proper packaging of multiple items. However, for individual items currently under consideration, he indicated that presenting actual ballot question language to the Task Force would not be necessary. Instead, the Task Force would focus on making recommendations regarding charter policy and charter language to the Board. This approach would ensure that no Commissioner would be excluded from developing alternative formulations when the matters reached the full Board for consideration.

I. ITEM A: KERBEL – COMMISSIONER SALARIES

The Task Force engaged in extensive deliberation regarding commissioner compensation, beginning with Mayor Pierre's inquiry about why Miami-Dade County had opted out of the State salary system.

ACA Valdes clarified that the County had not opted out of the State system and explained that the Home Rule Amendment to the Florida Constitution specifically granted the Miami-Dade County Charter authority to establish its own method of compensation for County Commissioners. He noted this unique provision allowed the County to set salary rates that could

only be revised through Charter amendment. ACA Valdes explained that the current $6,000 annual salary had been established in 1957 when the original Charter was adopted and had never been updated.

Mayor Pierre presented findings from an informal survey he conducted with 50 registered voters in North Miami. He reported all respondents expressed that the $6,000 salary was unfair given the full-time nature of the position and the significant policy responsibilities involved. Mayor Pierre noted however, when informed that commissioners had voted three years earlier to increase their car allowances, expense accounts, and retirement benefits from $60,000 to $138,000, approximately ninety percent of respondents believed commissioners did not need a salary increase, reasoning that most employees must cover such expenses from their own salaries. Mayor Pierre suggested removing the Charter provision entirely and reverting to the State salary system, which would provide cost-of-living adjustments and pay grade escalation with greater transparency.

Mr. Eikenberg questioned whether Mayor Pierre's survey had addressed commissioners' ability to maintain outside employment while serving.

Mayor Pierre confirmed his survey had been limited to two questions and did not cover this issue.

Mr. Eikenberg noted that while salaries were authorized by the Charter, commissioners could maintain outside employment, which was confirmed by Chairman Kerbel and ACA Valdes..

Ms. Henderson provided additional information requested by the Task Force regarding School Board member salaries, reporting that the nine elected School Board members earned $56,587 annually.

Chairman Kerbel inquired whether the Public School System covered other allowances and expenses similar to County practices.

Ms. Henderson explained that this information had not been included in the public records response. She then referenced Attachment 2, which provided a compensation breakdown for Florida chartered counties prepared by the Office of Management and Budget (OMB).

Mr. Maxwell explained that the compensation data in Attachment 2 came from filings submitted to the Florida Office of Ethics, showing income earned from their employer. He clarified that the data represented total compensation and taxable income without distinguishing between salary and benefits.

Chairman Kerbel summarized his proposal, designated as Agenda Item A, which offered structured options for commissioner compensation: maintaining the current $6,000 system with outside employment permitted, or eliminating outside employment and adopting the state salary formula of approximately $123,000.

Commissioner Moss proposed creating an Independent Salary Commission composed of five individuals who would gather relevant data and establish acceptable commissioner salaries. He explained that this commission would convene annually to set salary levels for the next fiscal cycle, with their decisions being binding. Commissioner Moss identified respected officials within the County who he believed would engage public trust as commission members.

Mr. Jimenez expressed concerns about the broad language regarding outside employment in Item A, questioning when the State salary system would apply if a commissioner lost outside employment. He supported Commissioner Moss's proposal and recommended adding a cap to ensure the commission's determination could not exceed the salary for non-chartered counties.

Commissioner Moss accepted this amendment.

Mr. Granado supported Agenda Item C and the commission concept, suggesting that various County-covered expenses should be considered within the commission's final compensation decision to maintain transparency.

Mr. Jimenez emphasized that the commission should consider all transparent totals and increases. Commissioner Moss accepted this additional amendment.

Mr. Eikenberg expressed support for Item A, noting that information from the Office of Economic and Demographic Research indicated the State salary would be $123,000. He explained that commissioners wanting to maintain outside employment should remain under the current pay system, while those devoting full time to County service should receive the State salary. Regarding potential job loss during a term, Mr. Eikenberg noted there would be a transition process to move from the current salary system to the State system.

Ms. Escarra inquired whether the Task Force had considered establishing a base salary and then implementing the State formula with a salary cap.

Commissioner Moss indicated he wanted to receive feedback from the entire Task Force before advancing the motion. He summarized his proposal, emphasizing the respected officials who could serve on the commission and the information that would inform compensation determinations. Commissioner Moss inquired whether commissioners in other Florida counties governed by State salary systems were prohibited from outside employment.

ACA Valdes stated that such a provision was not known to exist, and Mr. Maxwell confirmed that nothing in the State system prevented outside employment.

Mayor Pierre requested that Commissioner Moss restate his motion for clarity.

Commissioner Moss detailed his motion to establish an Independent Salary Commission that would convene annually to review and determine commissioner compensation. Additionally, the commission would consider factors including cost of living, benefits, and other compensation elements when making binding decisions for each fiscal cycle. He advised, under this proposal,

commissioner salaries would be set with a floor of $6,000 and a ceiling not to exceed the State salary system.

Mayor Pierre asked whether car allowances, phone allowances, and other compensation would be included. Moss confirmed these items would be considered by the commission. Mayor Pierre sought clarification on whether commissioners would lose the ability to change their own salaries and expense increases.

Commissioner Moss clarified that commissioners would not be able to change their base salary or pay level under this proposal. He emphasized that serving as a county commissioner was a full-time job deserving full-time compensation. He reviewed the salary history since the home rule charter's inception, noting that while the $6,000 base salary was appropriate in the 1950s for a part-time position, it was no longer adequate in 2025.

Chairman Kerbel asked whether the salary commission would have authority to limit salaries if commissioners had been too generous with expense increases.

Commissioner Moss confirmed the commission would possess that authority.

Mr. Eikenberg expressed concern that Section E of Agenda Item C appeared to transfer power from voters to an independent commission. He questioned why the salary floor was not set at $123,000 with provisions to deduct County-covered expenses and allowances from this total. Mr. Eikenberg reiterated his concerns about removing voters' ability to determine salaries.

Commissioner Moss clarified that the proposal did not remove voter power, noting that the ceiling was the state level and the base was $6,000.

Chairman Kerbel acknowledged that his motion represented an increase if the commissioner lacked outside employment but believed the Task Force sought a more transparent process.

Mr. Jimenez stated he was comfortable with the public not directly determining salary amounts but had greater confidence in Commissioner Moss's proposal. He believed the increase language from the alternative motion would be rejected by residents.

Ms. Escarra supported Commissioner Moss's proposal as a fair approach, noting that fixed numbers could skew public perception. She explained that outside employment was independent of commissioners' County work and represented a personal choice.

Mayor Pierre asked whether the public had previously been asked to make this decision.

ACA Valdes responded that all previous ballot questions regarding commissioner compensation had failed, including six ballot questions from 2002 through 2012 that proposed transitioning to the State salary system.

Chairman Kerbel asked whether default language could be added by referendum.

Commissioner Moss recommended this new approach, suggesting it could provide sufficient transparency for voter approval.

Mayor Wagar observed that voters' previous perception may have been that commissioners could increase their salaries without accountability. She believed Commissioner Moss's proposal could help build public trust and maintain necessary checks and balances. She cautioned that while the nominated participants were credible, there should be greater diversity on the panel beyond elected officials.

Mr. Granado clarified that the proposal removed power from the commission rather than from voters.

Mr. Jimenez noted that if they proceeded with Agenda Item A, voters would have no voice in salary determination. He suggested the commission could utilize public input and reiterated Mayor Wagar's concerns about membership diversity. Mr. Jimenez supported five members but suggested expanding to seven for greater diversity and inclusion.

Ms. Escarra inquired whether non-government individuals could be appointed to the commission, such as college presidents or charitable community leaders.

Mayor Wagar expressed concern about potential pushback if a particular institution's president was selected. Mayor Pierre noted there should be no campaigning for salary compensation.

ACA Valdes addressed prohibitions on County fund allocation, referencing Florida Statute 106.113. He clarified that while public funds could not be used for campaigning, individuals could exercise their First Amendment rights.

Mr. Eikenberg concurred with previous concerns and recommended that voters might have greater trust if the commission comprised more substantially of private sector leaders.

Chairman Kerbel expressed concern about incorporating private sector leaders into legislative language, noting the uncertainty of organizational longevity. He suggested the five nominated personnel could select two additional representatives from specific types of organizations to achieve diversity goals.

Commissioner Moss stated he would consider Chairman Kerbel's suggestion and explained that the nominated individuals would be trusted community leaders without alternative motives who could serve as the voice of the people.

ACA Valdes suggested that Agenda Item C be amended to specify that vacancies would be filled in the same manner of appointment.

Mr. Eikenberg recommended deferring the motions to allow absent Task Force members to provide input.

Chairman Kerbel advised that he would keep his item on the agenda, although he was leaning toward supporting Commissioner Moss's proposal. He suggested the commission could also

include non-profit organization leaders, college representatives, and American Bar Association members.

Commissioner Moss proposed deferring Agenda Item C to the next Task Force meeting scheduled for October 27, 2025, to allow additional time for determining appropriate commissioner term limits. Mayor Pierre seconded the motion. Upon being put to a vote, the motion passed 8-0 (Ms. Stephanie Daniels, Mayor Joshua Dieguez, Mr. Robert Fernandez, Mayor Steven Losner, and Ms. Rebecca Wakefield were excused, and Vice Chairman Michael Redondo was absent).

II. ITEM B – COMMISSIONER TERM LIMITS

Mr. Jimenez questioned whether current commissioners subject to two-term limits should be allowed to run for a third term if voters approved extending term limits to three consecutive terms.

Chairman Kerbel explained that his proposal excluded current commissioners based on political considerations, believing voters would be hesitant to approve the measure if they perceived it would benefit those who placed the question on the ballot.

Ms. Escarra agreed with Mr. Jimenez, stating that if voters approved three-term limits, they should be allowed to decide whether to re-elect current commissioners, noting there was no guarantee of re-election.

Mr. Eikenberg raised a concern about parity, referencing Paragraph D of Agenda Item B which limited the Mayor to two consecutive four-year terms. He suggested that if commissioners were being considered for three terms, the Mayor should also receive a third-term option.

Chairman Kerbel explained that the proposal treated the Mayor as an executive position, similar to the federal model where executives and legislators face different term limits.

Mr. Eikenberg indicated he would draft an amendment proposing a third term for the Mayor for consideration at the next meeting.

Senator Calatayud provided information on State-level term limits, clarifying that legislators were limited to eight years total, two terms in the Senate and four terms in the House.

Chairman Kerbel acknowledged this created parity with the Governor's two four-year term limit and stated the items would be revisited at the next meeting.

Ms. Escarra requested that staff identify other Charter provisions that may require clarification or adjustment based on practical experience or legal issues.

Chairman Kerbel agreed and directed staff to prepare such recommendations for future meetings.

V. COMMENTS/ DISCUSSION BY TASK FORCE MEMBERS

A. MEETING SCHEDULE

Chairman Kerbel reminded the Task Force that the resolution required regional meetings in the community. He proposed holding a regional meeting at the North Dade Regional Library on October 27th and solicited member input on timing and location preferences.

Ms. Henderson advised that the North Dade Regional Library was available from both 10:00 a.m. to 1:00 p.m. and 5:00 p.m. to 8:00 p.m. on that date. She noted that the West Kendall and Westchester Regional Libraries were also available.

Commissioner Moss recommended scheduling the meeting in the evening to allow working residents greater opportunity to attend.

Ms. Escarra asked whether the meeting would have a set agenda with approved motions and solidified ideas.

ACA Valdes explained that the Code allowed for listening sessions without action, but if official action was required, proper notice must be provided. He clarified that previous listening sessions had been held primarily due to quorum concerns.

Mr. Jimenez expressed that a listening session alone would not be a good use of time and suggested allowing time for follow-up public comments after substantive discussions.

Chairman Kerbel agreed and proposed adding follow-up public comment periods to the agenda.

Mr. Eikenberg suggested that the Commission Chambers would better accommodate participants than a library facility.

Mayor Pierre indicated that North Miami would provide adequate space if needed.

Ms. Henderson clarified that the North Dade Regional Library lacked audio-visual transmission capability for live streaming, noting only the Downtown Regional Library possessed this technology. Meetings at other regional libraries would need to be recorded and posted later to the website.

Chairman Kerbel stated he was less concerned about live streaming capability, emphasizing that community meetings were intended for direct in-person engagement. The meeting could be recorded for later posting.

The Task Force agreed to schedule the October 27th meeting from 5:00 p.m. to 8:00 p.m. at the North Dade Regional Library as a properly noticed Sunshine meeting that would allow for official action if quorum was achieved, or serve as a listening session if not.

Mayor Pierre requested improved notice throughout municipalities to maximize public engagement.

Mr. De La Paz confirmed that all meetings would be properly noticed and that the administration would utilize the Mayor's Office of Equity and Engagement for local outreach, posting information on the County's website. He noted that the Mayor's Office Intergovernmental team would conduct outreach to municipal partners and community organizations.

Commissioner Moss inquired about future meeting topics.

Ms. Henderson advised that upcoming topics included annexation and incorporation, land use and sea level rise, and budget processes.

Chairman Kerbel proposed scheduling two November meetings: November 6th from 2:00 p.m. to 5:00 p.m. and November 17th from 9:00 a.m. to 12:00 p.m. in the Commission Chambers.

Following discussion, the Task Force selected November 17th from 9:00 a.m. to 12:00 p.m. based on member availability.

Mr. Jimenez suggested holding the annexation discussion at a west side regional meeting since that area would be most heavily impacted.

Chairman Kerbel agreed to address annexation in January, potentially scheduling a combined regional and action meeting in the western part of the County. He indicated that the November 17th meeting would likely continue government structure discussions or potentially begin land use topics, with additional meetings in December if needed.

ACA Valdes noted that the initial report was due no later than fourteen days prior to the Board of County Commissioners' last meeting in November, making the October 27th meeting the deadline for finalizing the interim report.

Staff indicated they were working on a preliminary draft.

Chairman Kerbel confirmed the report would be targeted for the Board's November 18th meeting.

Ms. Escarra requested that staff inform Task Force members if their presence would be needed at the Board meeting to present recommendations.

C. OTHER DISCUSSION ITEMS

Mr. Eikenberg moved to approve the August 1st, 2025 CRTF minutes, with the correction to Mayor Losner's title as Mayor of Homestead. This motion was seconded by Ms. Escarra and upon being put to a vote passed by a vote of 8-0 (Ms. Stephanie Daniels, Mayor Joshua Dieguez, Mr. Robert Fernandez, Mayor Steven Losner, and Ms. Rebecca Wakefield were excused, and Vice Chairman Michael Redondo was absent).

VI. ADJOURNMENT

There being no further business to come before the Charter Review Task Force, the meeting was adjourned at approximately 1:00 p.m.

Dennis A. Kerbel, Chairman

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
October 10, 2025

Prepared by: Bryce Stephenson-Pickett

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	CHARTER REVIEW TASK FORCE 10/10/25 AGENDA
-	FORM: SEXUAL HARASSMENT PREVENTION TRAINING ACKNOWLEDGEMENT
-	MIAMI-DADE PUBLIC SCHOOLS PUBLIC RECORDS REQUEST

Miami-Dade County Charter Review Task Force Agenda
Official Version
Friday, October 10, 2025
10:00 AM
Commission Chambers

I. Roll Call

II. Pledge of Allegiance

III. 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: Kerbel – Commissioner Salaries
  - ii. Item B: Kerbel – Commissioner Term Limits
  - iii. Item C: Moss – Independent Salary Commission

V. Comments/Discussion by Task Force members

- A. Meeting Schedule
- B. New Business
- C. Other Discussion Items

VI. Adjournment

Attachments:

Attachment 1: Motions for Consideration (Items A-C)
Attachment 2: Commission Compensation for Charter Counties
Attachment 3: Miami-Dade County AMI
Attachment 4: Notes - FL Salaries of Elected County Constitutional Officers
Attachment 5: Power and Pay - The Salaries Behind Every City Hall in Miami-Dade
Attachment 6: Clerk's Summary of Minutes – August 1, 2025

Item A

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. >>However, effective with the term of Commissioners scheduled to commence in 2028, if a County Commissioner agrees to devote their full-time service to the office and hold no other employment during their term, then he or she shall be entitled to receive an annual salary, payable monthly, as determined by general law applicable to non-charter counties.<<

Item B

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 C

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.

D. At least once every two (2) years, 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. 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) increases in cost of living and inflation in Miami-Dade County, (d) the fiscal condition of the County, and (e) the need to attract and retain qualified candidates for office. 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 it shall provide its final conclusions, including any salary revisions, to the Board of County Commissioners in a written report.

E. All determinations, including any salary revisions, made by the independent Salary Commission in its written reports shall be final and not subject to modification or amendment by the Board of County Commissioners. However, any salary revisions shall only take effect following the next election cycle for County Commissioners so that no sitting member of the County Commission may benefit from any relevant salary revisions during their current term in office.<<

Miami-Dade County
Office of Management and Budget
Selected Form of Government and Compensation Information for Florida Charter Counties

The contents herein are summary in nature and not necessarily comprehensive.

Council/Manager form of government: Commission appoints a County Manager to handle administrative matters. Mayors or Board Chairs are appointed by the Commission.
Strong Mayor/Council form of government: Mayor is elected countywide, acts as the chief executive officer, and appoints and removes department heads.

The income information provided in this document is based on the financial disclosures submitted by each elected official to the Florida Commission on Ethics for tax year 2024. The information was found in the online Florida Commission on Ethics Electronic Financial Disclosure Management System (EFDMS). This publicly available information is provided in lieu of comprehensive salary and benefit details due to challenges in obtaining it, particularly in a compressed time frame.

Charter County Name	Form of Government	Method of Setting Board Member/Executive/ Constitutional Officer Salaries *(per Charter)*	Restrictions on outside employment or compensation	Median of Board Members' Income from County as reported to the State Commission on Ethics for Tax Year 2024	Mayor Income from County as reported to the State Commission on Ethics for Tax Year 2024
Miami-Dade County	Strong Mayor/Council	Fixed at $6,000 per year. Does not specify method of setting executive or constitutional officer salary.	None found in charter	$71,873	$192,292
Broward County	Council/Manager	Commissioners' salaries shall be determined and established in accordance with the general law of the State of Florida pertaining to compensation for Commissioners of non-charter counties. Does not specify method of setting executive or constitutional officer salary.	None found in charter	$115,771	$113,656
Palm Beach County	Council/Manager	Salaries of members of the Board of County Commissioners shall be the same as set by state law for the county commissioners of non-charter counties. The county administrator's salary shall be set by the Board of County Commissioners. Does not specify method of setting constitutional officer salary.	None found in charter	$124,979	$125,648

Charter County Name	Form of Government	Method of Setting Board Member/Executive/ Constitutional Officer Salaries *(per Charter)*	Restrictions on outside employment or compensation	Median of Board Members' Income from County as reported to the State Commission on Ethics for Tax Year 2024	Mayor Income from County as reported to the State Commission on Ethics for Tax Year 2024
Jacksonville-Duval County (consolidated city-county)	Strong Mayor/Council	Each member of the Council, other than the Council President, shall receive an annual salary equal to one-half of the salary allowed for a member of the Board of County Commissioners in a County with a population equal to that of Duval County, in accordance with the provisions of F.S. §§ 145.031(1) and 145.19; provided however, each Council Member shall submit in writing a notification with the Council Director/Secretary as to their election for salary placement for the upcoming fiscal year prior to October 1 of the affected fiscal year. The Mayor shall receive an annual salary equal to the average of the annual salaries to which the Sheriff, Clerk of the Circuit and County Courts, Supervisor of Elections, Property Appraiser and Tax Collector are entitled under this Chapter (exclusive of special qualification salary or other incentive pay for the Sheriff, Clerk of the Circuit and County Courts, Supervisor of Elections, Property Appraiser and Tax Collector but inclusive of annual factor adjustments to the salaries of the Sheriff, Clerk of the Circuit and County Courts, Supervisor of Elections, Property Appraiser and Tax Collector) plus an additional amount equal to 20 percent of that average. In compliance with Section 5.06 of the Charter, the Council hereby adopts a uniform salary ordinance for the Clerk of the Circuit and County Courts, the Supervisor of Elections, the Property Appraiser and the Tax Collector to coincide with the salaries for these elected officers as set forth in F.S. Ch. 145.	None found in charter	$56,561	$264,726
Lee County	Council/Manager	Salaries and other compensation of the County Commissioners shall be the same as those set by general law for the County Commissioners of non-charter counties and shall not be lowered during the term of office. The compensation of the County Manager shall be fixed by the Board of County Commissioners. Does not specify method of setting constitutional officer salary.	None found in charter	$114,816	Not Identified

Charter County Name	Form of Government	Method of Setting Board Member/Executive/ Constitutional Officer Salaries *(per Charter)*	Restrictions on outside employment or compensation	Median of Board Members' Income from County as reported to the State Commission on Ethics for Tax Year 2024	Mayor Income from County as reported to the State Commission on Ethics for Tax Year 2024
Polk County	Council/Manager	The yearly salary and other compensation of commissioners serving on the Board of County Commissioners shall be $33,500 effective with the Commission term of office beginning in November 2000. The Board of County Commissioners may amend the salary established in this Charter by ordinance, which requires, for passage, the unanimous vote of the members of the entire Board of County Commissioners. Any increase shall not exceed the average percentage increase in the salaries of county employees for the fiscal year just concluded, or the percentage change in the U.S. consumer price index for the previous year, whichever is less. The Board of County Commissioners shall establish the salary for the county manager at a level that is commensurate with the requirements of the position and shall at least annually review the performance and salary. Does not specify method of setting constitutional officer salary.	None found in charter	$49,488	Not Identified
Brevard County	Council/Manager	The Board of County Commissioners may adopt an ordinance to set commissioners' salaries by October of every even-numbered year. The Board shall establish the salary for the County Manager at a level which is commensurate with the requirements of the position and shall at least annually review the salary. Does not specify method of setting constitutional officer salary.	None found in charter	$60,195	Not Identified
Orange County	Strong Mayor who is elected county-wide, sits on the board as a voting member and is board chair. Also, has a county administrator that serves at the pleasure of the Mayor.	Commissioners' salaries shall be uniform and shall be set by ordinance. The salary in effect at the beginning of a commissioner's term in office shall not be lowered during that commissioner's term. The county mayor's salary shall be set by ordinance. The salary in effect at the beginning of a county mayor's term in office shall not be lowered during that term. The county administrator's salary will be established by resolution of the board after recommendation by the county mayor. Does not specify method of setting constitutional officer salary.	None found in charter	$119,288	$240,359

Charter County Name	Form of Government	Method of Setting Board Member/Executive/ Constitutional Officer Salaries *(per Charter)*	Restrictions on outside employment or compensation	Median of Board Members' Income from County as reported to the State Commission on Ethics for Tax Year 2024	Mayor Income from County as reported to the State Commission on Ethics for Tax Year 2024
Hillsborough County	Council/Manager	Salaries of all commission members shall be as provided by ordinance at 75 percent or higher of the salary which would have been provided by general law had this Charter not been adopted. The chairman shall receive additional remuneration in an amount of ten percent of the basic salary for the period of time such person serves as chairman of the commission. The compensation of the administrator shall be fixed by the Board of County Commissioners by ordinance at a level which is commensurate with the requirements of the position. Does not specify method of setting constitutional officer salary.	None found in charter	$123,291	Not Identified
Seminole County	Council/Manager	Salaries and other compensation of the County Commissioners shall be set by county ordinance, approved at a public hearing, all in accordance with general law and the State Constitution. Any increases in said salaries shall not exceed the percentage change in the U.S. Consumer Price Index for Urban Wage Earners and Clerical Workers Revised during the preceding calendar year ending December 31st. Any salary increase shall be effective on the first day of January in the year following the adoption of the increase. (Res. No. 2006-R-177, eff. 11- 07-06). The compensation of the County Manager shall be fixed by the Board of County Commissioners. Does not specify method of setting constitutional officer salary.	None found in charter	$92,855	Not Identified
Pinellas County	Council/Manager	Compensation of members shall all be in accordance with general law. Does not specify method of setting executive or constitutional officer salary.	None found in charter	$112,485	Not Identified
Alachua County	Council/Manager	Salaries and other compensation of the county commissioners shall be set by county ordinance and shall be the same as those set by general law for the county commissioners of noncharter counties. The compensation of the county manager shall be fixed by the Board of County Commissioners. Does not specify method of setting constitutional officer salary.	None found in charter	$90,325	Not Identified

Charter County Name	Form of Government	Method of Setting Board Member/Executive/ Constitutional Officer Salaries *(per Charter)*	Restrictions on outside employment or compensation	Median of Board Members' Income from County as reported to the State Commission on Ethics for Tax Year 2024	Mayor Income from County as reported to the State Commission on Ethics for Tax Year 2024
Charlotte County	Council/Manager	Salaries and other compensation of the county commissioners shall be the same as those set by general law for the county commissioners of noncharter counties. The county administrator's salary shall be set by the Board of County Commissioners. Does not specify method of setting constitutional officer salary.	None found in charter	$91,000	Not Identified
Clay County	Council/Manager	Salaries of the county commissioners shall be set at $37,000 per year. Any salary changes shall be approved by a majority of electors in a general election. Other compensation, benefits, or reimbursable expenses shall be set the same as those set by general law for the county commissioners of non-charter counties or by county ordinance. The compensation for the County Manager shall be fixed by the Board of County Commissioners. Does not specify method of setting constitutional officer salary.	None found in charter	$37,500	Not Identified
Columbia County	Council/Manager	Salary and other compensation of the county commissioners shall be the same as those set by general law for the county commissioners of non-charter counties. The Board of County Commissioners shall establish the salary for the County Manager at a level which is commensurate with the requirements of the position and shall at least annually review the performance and salary. Does not specify method of setting constitutional officer salary.	None found in charter	$55,363	Not Identified
Leon County	Council/Manager	Salaries and other compensation of the County Commissioners shall be established by ordinance, and salary shall not be lowered during an officer's term in office. The compensation of the County Administrator shall be fixed by the Board of County Commissioners at a level commensurate with the responsibilities of the position, with performance appraisals conducted by the Board of County Commissioners at least annually. Does not specify method of setting constitutional officer salary.	None found in charter	$101,910	Not Identified

Charter County Name	Form of Government	Method of Setting Board Member/Executive/ Constitutional Officer Salaries *(per Charter)*	Restrictions on outside employment or compensation	Median of Board Members' Income from County as reported to the State Commission on Ethics for Tax Year 2024	Mayor Income from County as reported to the State Commission on Ethics for Tax Year 2024
Osceola County	Council/Manager	Salaries and other compensation of the County Commissioners shall be the same as those set by general law for the County Commissioners of non-charter Counties. The compensation of the County Manager shall be established by the Board of County Commissioners. Does not specify method of setting constitutional officer salary.	None found in charter	$102,767	Not Identified
Sarasota County	Council/Manager	Commissioners shall determine by ordinance the salary paid its members on each odd numbered year, which shall remain fixed until the next odd numbered year. The salary shall not exceed that allowed to be paid to the County Commissioners by the State Legislature, but may be any lesser amount. All other compensation must be based on actual expenses incurred in the performance of duties as Commissioners as provided by the General Laws of the State of Florida. The Board of County Commissioners shall establish the salary for the County Administrator, at a level which is commensurate with the requirements of the position, and shall review the salary annually. In the event the County Administrator is terminated without cause after one year of service, he or she shall receive at least four (4) months severance pay, notwithstanding other monies due him or her. Does not specify method of setting constitutional officer salary.	None found in charter	$108,745	Not Identified
Wakulla County	Council/Manager	Salary and other compensation of the county commissioners shall be set by ordinance and shall be the same as those set by general law for the county commissioners of non-charter counties, and shall not be lowered during a county commissioner's term of office. The Board of County Commissioners shall establish the salary for the county administrator at a level that is commensurate with the requirements of the position and shall at least annually review the performance and salary. Terms and conditions of compensation and employment shall be set forth in a contract. Does not specify method of setting constitutional officer salary.	None found in charter	$37,179	Not Identified

Note: The general hold harmless provisions of IRC Section 142(d)(2)(E) mean that projects with at least one building placed in service on or before the end of the 45-day transition period for newly-released limits use whichever limits are greater, the current-year limits or the limits in use the preceding year.

HUD release: 4/1/2025
Effective: 4/1/2025
Implement on/before: 5/15/2025

2025 Income Limits and Rent Limits
Florida Housing Finance Corporation
Multifamily Rental Programs and CWHIP Homeownership Program
NOTE: Does not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Miami-Dade County	**20%**	**17,360**	**19,820**	**22,300**	**24,780**	**26,780**	**28,760**	**30,740**	**32,720**	**34,692**	**36,674**	**434**	**464**	**557**	**644**	**719**	**793**
(Miami-Miami Beach-	25%	21,700	24,775	27,875	30,975	33,475	35,950	38,425	40,900	43,365	45,843	542	580	696	805	898	991
Kendall HMFA)	**28%**	**24,304**	**27,748**	**31,220**	**34,692**	**37,492**	**40,264**	**43,036**	**45,808**	**48,569**	**51,344**	**607**	**650**	**780**	**902**	**1,006**	**1,110**
	30%	26,040	29,730	33,450	37,170	40,170	43,140	46,110	49,080	52,038	55,012	651	697	836	966	1,078	1,189
	33%	**28,644**	**32,703**	**36,795**	**40,887**	**44,187**	**47,454**	**50,721**	**53,988**	**57,242**	**60,513**	**716**	**766**	**919**	**1,063**	**1,186**	**1,308**
	35%	30,380	34,685	39,025	43,365	46,865	50,330	53,795	57,260	60,711	64,180	759	813	975	1,127	1,258	1,388
	40%	**34,720**	**39,640**	**44,600**	**49,560**	**53,560**	**57,520**	**61,480**	**65,440**	**69,384**	**73,349**	**868**	**929**	**1,115**	**1,289**	**1,438**	**1,586**
	45%	39,060	44,595	50,175	55,755	60,255	64,710	69,165	73,620	78,057	82,517	976	1,045	1,254	1,450	1,617	1,784
	50%	**43,400**	**49,550**	**55,750**	**61,950**	**66,950**	**71,900**	**76,850**	**81,800**	**86,730**	**91,686**	**1,085**	**1,161**	**1,393**	**1,611**	**1,797**	**1,983**
	60%	52,080	59,460	66,900	74,340	80,340	86,280	92,220	98,160	104,076	110,023	1,302	1,394	1,672	1,933	2,157	2,379
	70%	**60,760**	**69,370**	**78,050**	**86,730**	**93,730**	**100,660**	**107,590**	**114,520**	**121,422**	**128,360**	**1,519**	**1,626**	**1,951**	**2,255**	**2,516**	**2,776**
Median: 87,200	80%	69,440	79,280	89,200	99,120	107,120	115,040	122,960	130,880	138,768	146,698	1,736	1,859	2,230	2,578	2,876	3,173
	90%	**78,120**	**89,190**	**100,350**	**111,510**	**120,510**	**129,420**	**138,330**	**147,240**	**156,114**	**165,035**	**1,953**	**2,091**	**2,508**	**2,900**	**3,235**	**3,569**
	100%	86,800	99,100	111,500	123,900	133,900	143,800	153,700	163,600	173,460	183,372	2,170	2,323	2,787	3,222	3,595	3,966
	110%	**95,480**	**109,010**	**122,650**	**136,290**	**147,290**	**158,180**	**169,070**	**179,960**	**190,806**	**201,709**	**2,387**	**2,556**	**3,066**	**3,544**	**3,954**	**4,362**
	120%	104,160	118,920	133,800	148,680	160,680	172,560	184,440	196,320	208,152	220,046	2,604	2,788	3,345	3,867	4,314	4,759
	140%	**121,520**	**138,740**	**156,100**	**173,460**	**187,460**	**201,320**	**215,180**	**229,040**	**242,844**	**256,721**	**3,038**	**3,253**	**3,902**	**4,511**	**5,033**	**5,552**

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change. Updated schedules will be provided when changes occur.

Miami-Dade County Office of Management and Budget

Notes on: *Florida Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2024-25*, from the Florida Legislature's Office of Economic and Demographic Research

Disclaimer: The notes below are summary in nature and not comprehensive.

- State formula applies to "all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to…. a county home rule charter" (or chartered consolidated government i.e. Duval County). The offices include:
    - Clerk of Circuit Court
    - Property Appraiser
    - Supervisor of Elections
    - Tax Collector
    - Sheriff
    - County Commissioner
    - Elected school superintendent
    - Elected school board member

- Current formula for officer salaries was established in 1973

- Formula has 5 components:
    1. *Base amount* – a flat number defined in state law
    2. A multiplier based on County population
    3. *Initial factor* – a constant multiplier, currently 1.292
    4. *Certified annual factor* – multiplier equivalent to the average % salary increase of state employees or 7%, whichever is less
    5. *Cumulative annual factor* – The product of all previous annual factors prior to the fiscal year for which salaries are being calculated

- From year to year, unless there are changes to state law or county population, salaries increase by the certified annual factor.

- The base amounts for sheriffs and tax collectors were increased in 2024.

- County commissioners and constitutional officers may voluntarily reduce their salaries.

- FY 24-25 amounts are specified on pages 10-11 of: Florida Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2024-25. This document was previously provided to the Charter Review Task Force.

- See Example from document on next page:

Example:

Salary = [Base Salary + (Population Above Group Minimum x Group Rate)] x Initial Factor x Certified Annual Factor x Certified Cumulative Annual Factor

Sample Computation of Salary: Alachua County's Clerk of Circuit Court, Property Appraiser, and Supervisor of Elections

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

Salary = [$30,175 + [(293,040 - 200,000) x 0.01575]] x 1.292 x 1.0301 x 4.1336 = **$174,065**

Miami New Times
POLITICS & GOVERNMENT

Power and Pay: The Salaries Behind Every City Hall in Miami-Dade

We gathered salary data for elected officials in all 34 Miami-Dade municipalities. Here's the breakdown.

By Theo Karantsalis May 22, 2025

Elected officials' salaries across Miami-Dade County's 34 municipalities – spanning mayors, council members, city managers, and clerks – range from zero to six-figure baller pay. While some local leaders bring in abysmal paychecks, others earn salaries that rival corporate executives.

To paint a clearer picture of how taxpayer dollars fund local leadership, *New Times* combed through thousands of pages of municipal budgets and submitted public records requests to all 34 cities, towns, and villages, as well as Miami-Dade County. The responses varied: some municipalities provided detailed records promptly, while others required more persistence.

We extend our thanks to the mayors, city managers, and officials who took the time to answer our questions.

While Florida public records law does not require city clerks, the official custodians of government documents, to explain or clarify the content of records, we appreciate those who went the extra mile to help us connect the dots.

Here's a breakdown of who makes what in Miami-Dade government.

Aventura (Population 40,242)

The charter determines salaries, but the mayor's and commissioners' non-accountable expenses can be – and have been – increased through ordinances.

According to city clerk Ellisa Horvath, the mayor receives an annual salary of $10,000 and an annual expense allowance of $18,414, and commissioners receive an annual salary of $7,500 and an annual expense allowance of $18,414. Horvath says neither the commissioners nor the mayor receive cell phone or car allowances, and they don't get city-issued credit cards.

The city manager makes an annual salary of $237,500.

Bal Harbour (Population 3,093)

According to Bal Harbour's municipal ordinance, the mayor's annual salary is $30,000, while council members make $24,000 yearly. Before September 26, 2017, when leaders voted to give themselves a raise, the mayor received a scant $1,800 annually, and council members just $1,200.

The ordinance says the mayor and council also have the option to be covered by the village's Medicare supplement insurance policy. Those not "Medicare-eligible at the time of leaving the council" can opt in upon reaching eligibility. The village manager receives a salary of $222,847.

The village does not provide a car, mobile phone, or expense allowances for the mayor or council, nor does it issue the elected officials village credit cards. However, Bal Harbour reimburses them for any travel they do on behalf of the village. The village does not contribute anything toward a retirement fund or pension.

Bay Harbor Islands (Population 5,922)

According to the Bay Harbor Islands website, each elected official gets $1 per year, "as has been the case since the town's inception. "The town does not contribute to any retirement account or pension fund for its mayor or council Members.

"The annual salary of council members shall be one dollar per year until amended by ordinance," Bay Harbor town clerk Yvonne Hamilton says. Council members also have a town-issued cell phone.

"The police chief is the interim Town Manager," Hamilton says. His annual salary is $265,000.

Biscayne Park (Population 3,117)
An ordinance sets the compensation for the mayor and commissioners.

"They receive compensation [as a] flat sum to reimburse them for their expenses," village clerk Pamela Latimore says. "They do not receive a salary."

The village reimburses commissioners and the mayor for travel, promotional activities, and memberships in organizations like the Florida League of Cities. Biscayne Park budgets $1,500 for commissioners' travel, $1,000 for promotional activities, and $900 for subscriptions and memberships. It doesn't issue credit cards, car, or phone allowances to elected officials, though they receive a cell phone.

The village manager makes a salary of $176,000.

"There is no contribution to any retirement program for the elected officials," Latimore says.

Coral Gables (Population 48,353)

According to Coral Gables public records coordinator Maria Gonzalez, an ordinance sets the compensation for elected officials.

Gonzalez says the mayor's annual salary is $70,980, the vice mayor gets $68,923, and the three commissioners receive $67,000 each. Each gets an expense allowance of $9,600 and a car allowance of $8,446. They do not have city-issued credit cards but do receive city-issued cell phones.

The city manager receives a salary of $294,137.

Cutler Bay (Population 43,762)

A charter sets the salaries of the mayor, vice mayor, and council members, with annual cost-of-living increases pegged to the consumer price index, according to Cutler Bay town clerk Mauricio Melinu.

The mayor's current annual salary is $21,112, while the vice mayor and council members receive $10,555. Council members receive paid monthly travel and cell phone allowances from non-accountable funds. The mayor gets $2,400 yearly for travel and $1,800 yearly as a phone allowance. The town manager makes a salary of $323,842.

Cutler Bay participates in the Florida Retirement System (FRS).

Doral (Population 79,359)

Doral residents voted to increase council members' salaries in the November 2024 election, though the mayor's salary remained the same, Doral mayor Christi Fraga says.

According to the charter, the mayor receives an annual salary of $80,690. She also gets a travel allowance of $10,000. The city's four council members earn a yearly salary of $19,355, and each receives a travel allowance of $5,000.

Elected officials do not get credit cards. However, each receives $6,000 for "dues and memberships." A council stipend allows each member a monthly allowance of $2,500 for lunch meetings or other city-related activities.

The city manager makes an annual salary of $259,047.

Fraga says Doral instituted a pension fund in 2021, then canceled it in 2023. "However, the City has always maintained a 401(b) investment retirement fund." The retirement system has a balance of about $685,000.

El Portal (Population 1,897)

Village clerk Yenise Jacobi tells *New Times* that the mayor and council members receive an "allocation" of $3,000 annually. The mayor and council also share a combined $10,000 "discretionary fund," which amounts to $2,000 each.

Elected officials receive $5,000 for travel, according to the **2025 budget**. They do not have car allowances or village-issued credit cards.

The village manager earns a salary of $145,683.

El Portal contributes to the FRS on behalf of its elected officials and has budgeted $1,850 for fiscal year 2025.

Florida City (Population 12,582)

Florida City has a strong mayor form of government, which gives the mayor executive power over daily operations.

"The mayor serves as both the mayor and city manager. Therefore, the salaries for those positions are combined," Florida City finance director Chad Burkhalter says, noting that the mayor's salary is $250,328, with a $5,600 expense account. Florida City also provides the mayor with a cell phone and car.

The commissioners' annual salaries are $15,768. They also receive $48 monthly to cover their cell phones, share a city car for city business, and are reimbursed for city-related travel expenses.

"The annual cost of the elected officials' pensions adjusts with each valuation," Burkhalter said, with a current yearly cost of $49,637.

Elected officials are vested in their pensions at age 55 with 12 or more consecutive years of service as a commissioner; and, at age 55, with ten or more consecutive years as mayor; or, 12 or more consecutive years of combined service as a commissioner and mayor.

Golden Beach (Population 972)

The mayor and council members make a $1 annual salary. Elected officials do not receive cell phone or car allowances, and the town does not reimburse them for travel expenses.

Golden Beach town clerk Lissette Perez and town manager Alex Diaz did not respond to public records requests for salary information of its elected officials. During a follow-up call, a town employee referred *New Times* to the town's website.

According to **Golden Beach's current budget**, the town manager makes an annual salary of $314,754.

The Town of Golden Beach does not contribute to any pension fund or retirement plan.
The tiny town, spanning just 0.3 square miles, calls itself "a town unlike any other."

Hialeah (Population 223,109)

In an email, Hialeah city clerk Marbelys Fatjo said that the mayor's annual salary is $150,000. The mayor also receives a yearly expense account of $40,000 to cover travel, per diem, meals, and other expenses related to his official duties.

The city has a strong mayor form of government and no city manager. Council members make a yearly salary of $44,000, according to the **city's website**.

Hialeah eliminated pensions for elected officials in 2013.

Hialeah Gardens (Population 22,286)

The mayor, who also serves as the city manager, receives an annual salary of $157,864 and an expense allowance of $7,519 monthly, human resources coordinator Aimee De La Osa told *New Times*.

Council members receive an annual salary of $35,613, and each gets a monthly expense allowance of $2,135.

De La Osa said the mayor receives a cell phone bill reimbursement, and council members receive a monthly stipend.

For elected officials, the city offers a matching contribution of up to five percent for its 401(a) pension plan and a two percent contribution to the 457 deferred compensation plan.

Homestead (Population 81,659)

Elected officials' salaries are set by ordinance. The mayor receives an annual salary of $6,000, according to **page eight of its 2025 adopted budget**.

However, the budget said the mayor also gets an "auto benefit" of $12,500, an expense allowance of $22,500, a travel allotment of $7,500, and a public relations expense account totaling $9,600.

Council members receive $4,800 annually, an annual car allowance of $11,500, an expense allowance of $20,000, $5,500 for "travel and training," and a public relations purse of $7,100.

It is unclear how much the city manager earns yearly. A line item for "full-time wages" in the current budget for the city manager's office lists an amount of $625,349, and the city has not returned multiple messages seeking clarification on whether that applies to one or more persons.

The city's website states that Homestead employs a city manager, an assistant city manager, and an "assistant to the city manager.

Homestead changed its pension plan in 2002 to save money. For fiscal year 2025, the city budgeted $64,982 toward elected officials' pensions under the old plan (for those elected before February 18, 2002) and $110,236 under the new plan (for those elected after that date).

Indian Creek Village (Population 82)

The village does not compensate elected officials for their services, Indian Creek Village clerk Roseann Prado told *New Times*.

The village manager makes an annual salary of $150,000.

Key Biscayne (Pop. 14,414)

The village charter specifies that elected officials receive no salary, car or mobile phone allowances, or village-issued credit cards. They also don't receive retirement benefits.

Key Biscayne spokesperson Jessica Drouet said that the village manager, who is not elected, makes a yearly salary of $252,847.

Medley (Population 1,036)

Medley has a strong mayor form of government. A year ago, the mayor and council unanimously voted to give themselves a raise, increasing annual salaries for council members to $59,879 and mayoral compensation to $230,872 – $30,000 more per year than Miami-Dade County mayor Daniella Levine Cava gets paid. However, Medley leaders have assured taxpayers that they, too, have limits.

"These amounts shall be capped at their present rates and shall not increase or be subject to any raises, cost of living, or any other increases," the Medley compensation ordinance says.

The mayor and council members have not received credit cards since a **2012 *New Times* story** revealed an official went ham on his town-issued credit card.

A county ethics report said that the town contributes five percent of gross salary to all elected officials' 401(a) accounts. Medley also provides elected officials with a town-funded pension plan.

Miami (Population 455,924)

An ordinance sets the mayor's salary at $97,000. They also receive fringe benefits, including $2,500 for expenses and a $300 cell phone allowance.

The commissioners' salaries are 60 percent of the mayor's salary, currently $58,200. They also receive benefits, including $2667 for expenses, $300 for cell phones, and $900 for auto.
Miami's city manager draws a salary of $471,714.

The City of Miami contributes 20 percent to a 401(a) retirement account for the mayor and commissioners, according to

Miami communications director Kenia Fallat. "The mayor's executive pay is $3,730 biweekly, and the commissioners' pay is $4,850 monthly," Fallat said.

The city also funds a retirement trust for its elected officers. Fallat said that the contribution for the 2024 plan year was $631,473. The mayor and commissioners do not partake in the Elected Officials Retirement Trust,

except Commissioner Joe Carollo, who vested during his previous tenure. According to city code, any person elected to the office of mayor or commissioner after October 22, 2009, is not eligible to receive the benefits.

Miami Beach (Population 79,607)

Miami Beach operates on a "commission/city manager" form of government, its 2024 proposed budget book says. The city commission consists of the mayor and six commissioners, who serve as the policy-making body of the city. An ordinance sets the compensation of elected officials.

Miami Beach communications director Melissa Berthier told *New Times* that the mayor makes an annual salary of $10,000, while commissioners make $6000 annually. The mayor also receives taxable fringe benefits of $37,800, and commissioners get taxable fringe benefits of $42,516. Elected officials can also request reimbursement for travel conducted on city business.

The city manager makes an annual salary of $375,000.

Miami Beach funds retirement plans for its commissioners and mayor.

Miami-Dade County (Population 2.687 million)
According to Board of County Commissioners spokesperson Olga Vega, a charter sets the commissioners' salaries at $6,000 annually. In 2025, commissioners also receive an "executive benefit allowance" of $19,186, a car allowance of $11,192, and an expense allowance of $43,000&– a total cash value of $79,378. The county also funds commissioners' 401(a) retirement accounts with $69,000, though Vega said the actual contribution could vary depending on how benefits are received.

In January 2007, the Miami-Dade County charter was amended to create a strong mayor form of government. In 2020, Miami-Dade mayor Daniella Levine Cava in 2020 cut her pay from $250,000 to $200,000. The county contributes to the FRS fund for elected officials' pensions at rates set by the legislature.

Miami Gardens (Population 110,717)

Miami Gardens city clerk Mario Bataille said that council members earn an annual salary of $40,000, while the mayor receives $80,000 annually. Council members receive a yearly auto allowance of $4,800 and a telephone stipend of $552, and the mayor gets $6,000 per year for auto expenses and the same $552 telephone stipend. The mayor and council members have an annual budget of $14,400 for expenses. The city issues the mayor and council members credit cards for travel. The mayor also has a separate travel budget of $15,000.

The city manager makes an annual salary of $317,207.

Bataille said that Miami Gardens contributed $45,160 to the FRS accounts of the mayor and council members.

Miami Lakes (Population 31,238)

The mayor currently receives a salary of $25,147, town clerk Gina Inguanzo said. This amount is adjusted annually based on the consumer price index. In addition, the mayor receives a $600 monthly car allowance. The council members do not earn salaries. However, they each get a $500 monthly car allowance and a $962 monthly expense allowance.

Ingianzo said the mayor and council receive a tablet or phone. Miami Lakes also budgets $1250 annually for awards and proclamations for its council.

"Only the Mayor is part of FRS; the town pays amounts established by the Florida Legislature each year," Ingianzo said.

The town manager earns an annual salary of $226,986. According to his job description, one of his duties is to drive the neighborhoods of Miami Lakes at least once a week.

Miami Shores (Population 11,530)

Village clerk Ysabely Rodriguez said the mayor and city council members are each paid $1 yearly. Miami Shores also pays the expenses for council members' professional development.

According to Mayor George Burch, the village manager receives a salary and benefits of $290,000.
Miami Shores does not contribute to elected officials' retirement plans.

Miami Springs (Population 13,325)

A charter sets the salaries of the mayor and city council members. According to city clerk Erika Santamaria, the mayor's annual salary is currently $7,800, while council members receive $6,000.

The city pays the cell phone bills for the mayor and council members. They have no travel or expense allowance or any other taxable fringe benefit. Council members receive city-issued credit cards, but the clerk maintains them and gives them to the council members only when they plan to travel.

They share a budget line item for council promotions and city events, with $34,400 budgeted for 2025.
The city manager makes an annual salary of $185,400; elected officials receive no retirement benefits.

North Bay Village (Population 7,930)

A charter sets the salaries of the mayor and village commissioners. According to village clerk Alba Chang, the mayor earns an annual salary of $7,800, while commissioners receive $6,300. The commissioners and mayor do not receive car allowances, but they are issued a village cell phone and receive reimbursement for travel expenses.

The city manager makes an annual salary of $175,000.
The village does not contribute to any retirement plan for its elected officials or the manager.

North Miami (Population 59,008)

An ordinance sets the compensation for the mayor, council members, and the elected clerk.
The mayor's salary is $89,880, while council members receive $77,910. The city clerk, an elected position in North Miami, also receives a yearly salary of $77,910.

The mayor and council members receive a "P-card" or purchase card, a city credit card, and a $200 monthly cell phone allowance.

The clerk's office responded to a public record request that the car allowance is "$750 per month for elected officials or assigned city vehicle option."

The city manager makes $283,569 annually.

North Miami participates in the FRS. "The required employer FRS contribution rate for elected officials is 58.68% of salary as of July 1, 2024," the clerk's office said.

North Miami Beach (Population 42,789)

An ordinance sets the compensation of elected officials. The mayor's annual salary is $89,880, while council members make $77,910 yearly.

City officials did not return emails and phone messages seeking 2025 salary figures. Instead, they referred *New Times* to the city's website and **"open finance" search box**, a feature the city says is part of its "commitment to delivering financial transparency." However, searches for elected officials' and city managers' salaries yield no results.

The city manager's office did not return calls asking about the office's annual salary.
A 2023 **Local 10 investigation** reported on the misuse of taxpayer funds and "egregious" spending by NMB officials, including expenditures on Amazon "to the tune of almost $300,000."

According to Local 10, North Miami Beach has faced turmoil, including city employees arrested for stealing Publix gift cards meant for residents, the mayor's arrest, and absentee commissioners missing meetings and delaying city business.

Opa-locka (Population 15,794)

Opa-locka city clerk Joanna Flores said the mayor, vice mayor, and commissioners receive $6,600 annually, though they don't get retirement benefits or health insurance.

Elected officials receive $300 per month as a reimbursable expense allowance. Officials do not receive a city car, gas, or credit card.

The annual salary for the city manager is $190,000.

Palmetto Bay (Population: 24,264)

A village charter sets the salaries of council members, who receive $12,000 annually, and the mayor, who makes $24,000 annually.

Additionally, the village provides taxable fringe benefits to cover phone and healthcare allowance. These benefits vary for each council member and the mayor. Some do not take all the allowances, and those who accept the health allowance receive individual amounts ranging from $3,562 to $9,503 annually.

Council members can participate in the village's group health insurance plan and receive the same benefits as regular full-time employees, human resources manager Jessica Mak told *New Times*. Those participating in the health plan are reimbursed for health expenses up to $1,350 monthly.

Mak said the council spent $5,500 on donations and $4,622.77 on travel last year.

In January, village manager Nick Marano proposed adding a monthly car allowance for council members that would cost $24,000 annually, according to an internal email vice mayor Mark Merwitzer, who opposes the measure, forwarded to *New Times*.

"The optics of increasing council benefits while simultaneously discussing tax increases would severely damage public trust," Merwitzer said in an email.

The village manager receives an annual compensation of $210,968, which includes a monthly $150 phone allowance.

Pinecrest (Population: 18,051)

Pinecrest's charter states that council members and the mayor shall serve without compensation but receive reimbursement per applicable law. They are reimbursed for travel related to their official duties, with an account budgeted at $25,580.

"These funds allow village council to travel to several conferences, including the Miami-Dade Days in Tallahassee and National League of Cities, as well as the Miami-Dade League of Cities monthly meetings; and also includes funds for the Youth Advisory Council conference shuttle bus," village clerk Priscilla Torres said in an email.

The village manager earns an annual salary of $277,095.

South Miami (Population: 12,073)

An ordinance, which was last updated in 2004, sets the compensation for the mayor, vice mayor, and city commissioners. The mayor's annual salary is $14,000, while the vice mayor and commissioners earn $12,000.

In addition to salaries, elected officials receive taxable fringe benefits over 12 months. These include a mobile phone allowance of $1,150 for the mayor and $962 for the vice mayor and commissioners. The mayor also receives a $500 car allowance.

South Miami reimburses city-related travel up to $1,200 a year. Commissioners each receive $1,500 in discretionary funds, while the mayor gets $2,000.

South Miami's deputy city manager, Samantha Fraga-Lopez, told *New Times* the city manager's annual salary is $275,286.

Sunny Isles Beach (Population: 21,885)

The mayor receives a base salary of $28,158, according to Sunny Isles Beach clerk Mauricio Betancur, while commissioners make $22,526 yearly. Both the mayor and commissioners receive an annual expense stipend of $6,000.

The city manager earns an annual salary of $276,894, and elected officials receive contributions to FRS.

Surfside (Population: 5,472)

The town charter sets the salaries of the mayor and commissioners at $1 each. They are each provided with mobile phones, according to town manager Mark Blumstein. The city manager earns an annual salary of $250,000.

Officials are not issued expense accounts, travel allowances, or town credit cards. The town does not contribute to pensions or retirement accounts for elected officials.

Sweetwater (Population: 21,321)

The annual compensation for the mayor ($195,000 and city commissioners ($12,000) is set by ordinance during the budget process.

City Commissioners receive an annual salary of $12,000, while the Mayor earns $195,000.
"The Mayor also serves as the city administrator," Sweetwater spokesperson Alvaro Zabaleta says.

Additionally, the mayor and commissioners receive $30,000 annually for expenses, and the commissioners receive an additional $7,200 as a car allowance and $2,600 monthly for council expenses.

The mayor has a city-issued credit card, while commissioners do not.

The City of Sweetwater is an FRS provider, and the mayor and council members receive a pension.

Virginia Gardens (Population: 2,364)

The mayor's salary is $15,503, with a $4,920 travel budget expense, according to Virginia Gardens Village Clerk Maritza Fernandez, while council members earn $6,460 annually.

The village pays the mayor's cell phone bill. No elected officials receive a car or expense allowance. Virginia Gardens has a strong mayor system and no manager.

The village does not contribute to retirement plans for elected officials.

West Miami (Population: 6,944)
The city charter sets the compensation of elected officials.

The mayor and commissioners are paid $20 per meeting they attend and receive $1,200, according to West Miami city clerk Annery Gonzalez.

West Miami elected officials receive annual non-accountable expense allowances: the mayor, $5,000; the vice-mayor, $4,000; and the commissioners, $3,000 each.

Gonzales said the total amount budgeted for West Miami's city commission is $159,218.

The city manager earns an annual salary of $236,000, and the elected officials receive no retirement benefits.

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

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.

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.

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.

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

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 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

   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.

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.

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

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.

People and Internal Operations Department
Human Rights & Fair Employment Practices

Sexual Harassment Prevention Training
Acknowledgment Form

On April 10, 2018, the Miami-Dade County Board of County Commissioner's adopted Resolution No. R-355-18, which requires all members of a County Advisory Board to complete a mandatory sexual harassment prevention training as a condition to membership.

My signature below certifies that I have viewed the above indicated training class, understood the contents noted, and will abide by the policies and procedures presented.

If I have questions about the training, materials presented or Miami-Dade County policy and procedures, I understand it is my responsibility to seek clarification from the Human Rights & Fair Employment Practices Division of the Human Resources Department.

Board Member Name: _____

Board Member Signature: _____

Board: _____

Date of Viewing: _____

Please submit this form to Tracey Mocombe, HRFEP Specialist, at tracey.mocombe@miamidade.gov. If you have any questions, she can be reached at (305) 375-4586.

From: Public Records Request
To: Henderson, Demetria (Office of the Mayor)
Subject: [External Message Added] Miami-Dade County Public Schools public records request #25-1352
Date: Thursday, October 9, 2025 2:59:40 PM

You don't often get email from messages@nextrequest.com. Learn why this is important

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Miami-Dade County Public Schools Public Records

A message was sent to you regarding record request #25-1352:

October 9, 2025

Demetria Henderson
Office of the Mayor
VIA EMAIL: demetria.henderson@miamidade.gov

Dear Ms. Henderson:

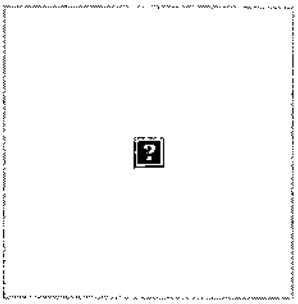
This is in response to your attached public records request. The staff of the Office of Human Capital Management has advised my office that the salary for each of the 9 elected board members is $56,587.00.

Sincerely,

Alissa S. Augustin
Supervisor, Citizen Information Center
Office of Communications

View Request 25-1352

https://miamidadecountyschoolsfl.nextrequest.com/requests/25-1352



Questions about your request? Reply to this email or sign in to contact staff at Miami-Dade County Public Schools.

Technical support: See our **help page**

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force

North Dade Regional Library
2455 NW 183rd Street
Miami, Florida
October 27, 2025
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Jose Soto, Commission Reporter
(305) 375-1294

2025 V1

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
OCTOBER 27, 2025

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened a meeting at the North Dade Regional Library, 2455 NW 183rd Street, Auditorium, Miami Gardens, Florida 33056, on October 27, 2025, at 5:26 p.m.

I. Roll Call

Prior to the Roll Call, Deputy Clerk Jose Soto announced that Senator Alexis Calatayud and Former North Miami Mayor Andre P. Pierre were excused from today's meeting.

The following Task Force members were present at roll call:

- Ms. Stephanie V. Daniels;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Rafael E. Granado;
- Mr. José Jimenez;
- Ms. Rebecca Wakefield;
- Former Miami-Dade Commissioner Dennis Moss;
- Vice Chairman Michael D. Redondo (State Representative for House District 118); and
- Chairman Dennis A. Kerbel.

The following Task Force members were absent:

- Town of Miami Lakes Mayor Joshua Dieguez;
- City of Homestead Mayor Steven D. Losner; and
- Former City of Miami Shores Mayor Crystal Wagar

Mr. Robert H. Fernandez arrived at 6:13 p.m.

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

- Assistant County Attorneys (ACA) Mr. Michael Valdez and Sophia Guzzo;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor; and
- Mr. José Soto, Deputy Clerk, Clerk of the Board

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
OCTOBER 27, 2025

II. Pledge of Allegiance

Chairman Dennis A. Kerbel led the Pledge of Allegiance.

III. Listening Session and Reasonable Opportunity for the Public to be heard

Chairman Kerbel opened the reasonable opportunity for the public to be heard and the following individuals came forward to speak:

1. Former Miami-Dade County District 1 Commissioner Barbara Jordan addressed the Task Force regarding term limits for County commissioners. She expressed concern that eight years provided insufficient time for commissioners to meaningfully impact their communities and complete significant projects, noting that she left three funded projects unfinished when her tenure ended. Commissioner Jordan suggested that twelve years was more appropriate and proposed that commissioners could potentially serve two consecutive terms, pause for four years, then return to serve a final term, drawing a parallel to recent presidential election outcomes. She emphasized that commissioners needed adequate time to accomplish substantial community improvements.

   Commissioner Jordan also voiced her objections to any proposal to reduce the County's thirteen single-member districts to nine districts with shared representation. She highlighted the historical struggle to establish single-member districts, crediting Betty Ferguson, Carrie Meek, and Javier Suarez for their efforts. She argued that single-member districts provided clear accountability and allowed residents to identify who represented their specific community, whereas shared districts created conflicts of interest and confusion about representation.

   Additionally, Commissioner Jordan addressed commissioner salaries, noting the disparity between the Charter-established salary of $6,000 annually and the actual demands of the position. She detailed the extensive responsibilities of commissioners, including CDMP meetings, zoning meetings, multiple committee assignments, district operations, constituent services, social obligations, and travel to secure federal and state funding. Commissioner Jordan emphasized that commissioners dedicated 65 to 75 percent of their time to the role, making it unrealistic to maintain outside employment. She argued it was unfair to ask financially struggling residents to approve salary increases for elected officials and advocated for a salary commission to establish fair compensation with cost-of-living adjustments, rather than forcing commissioners to advocate for their own pay increases. She concluded by suggesting that without adequate compensation, only retirees or individuals affiliated with firms could realistically serve.

2. Dr. Phil Ehs, 8962 Southwest 142nd Avenue, Miami, FL; raised questions regarding oversight in elections and inquired about the appropriate contact for election-related information.

ACA Michael Valdes indicated that the Supervisor of Elections could provide the requested information.

3. Ms. Marisol Zenteno, President of the League of Women Voters, 4760 Northwest 173rd Drive, Miami, FL; expressed concern about insufficient public notice for the meeting and stated that residents were satisfied with the current eight-year term limit for commissioners, asserting that two terms provided adequate time for accomplishments.

4. Mr. Kenneth Kilpatrick, President of the Brownsville Civic Neighborhood Association, 3167 Northwest 29th Avenue, Miami, FL; questioned whether the County Charter addressed term limits for commissioners and recall provisions for constitutional officers.

Chairman Kerbel responded that these matters were governed by State law.

5. Mr. Jah Malchizedek (phonetic), representing the Church of Jah, 10539 Southwest 18th Street, Miami, supported the current term limits but advocated for increased commissioner salaries. He also inquired about the status of refugees seeking sanctuary in County churches.

Chairman Kerbel clarified that the refugee sanctuary issue fell outside the purview of the Charter Review Task Force and should be directed to state and federal governments.

Seeing no one else appear wishing to speak, Chairman Kerbel closed the reasonable opportunity to be heard.

Commissioner Dennis Moss addressed the concern regarding public notice and outlined the extensive efforts undertaken by the Task force to publicize its meetings.

Ms. Demetria Henderson confirmed that the County adhered to all required protocols for public meeting notices, including Sunshine Law requirements, and noted that meetings were scheduled on an as-needed basis rather than following a fixed schedule.

Mr. Jorge Damian de la Paz added that the administration conducted targeted outreach efforts through platforms such as social media to inform the public about meetings.

IV. Continuation of Discussion on the Structure of County Government

A. Motions for Consideration

i. Item A: Moss—Revised Independent Salary Commission

Chairman Kerbel introduced the discussion on the revised Independent Salary Commission proposal, noting that questions remained from the previous meeting regarding potential inclusion of private entities in the decision-making process.

ACA Valdes outlined the modifications made to the proposal since the prior task force meeting which included:

- An added provision in subsection C clarifying that vacancies on the Independent Salary Commission (commission/ISC) would be filled using the same appointment method as the original member's appointment;
- Subsection D was modified to require the commission to meet annually rather than biennially, with meetings scheduled prior to the Board of County Commissioners' (Board) adoption of the county budget for the upcoming fiscal year;
- A requirement that the commission determine whether salary adjustments were warranted before budget adoption;
- A cap provision stating that recommended salaries could exceed the amount determined by state law formula for non-charter county commissioners; and
- Subsection D was clarified to specify that the commission's final report would be presented annually prior to budget adoption, that the commission's determinations would be final, and that the Board would include the revised salaries in the proposed County budget without modifications or amendments

ACA Valdes noted that the commission would consider the value of benefits and other compensation received by commissioners when making determinations.

Commissioner Moss recalled thirteen previous failed attempts to revise commissioner salaries through ballot measures. He emphasized that the current $6,000 annual salary was unreasonable given the full-time responsibilities of County commissioners and explained that when the charter was initially created, the $6,000 salary equaled approximately $60,000 in current value, where commissioners were then considered part-time employees. Commissioner Moss noted that the position's demands had evolved substantially, yet the salary remained unchanged; and proposed establishing an ISC composed of individuals with demonstrated community goodwill who could examine current commissioner salaries and benefits comprehensively, then determine fair and

equitable compensation. He stressed that the commission's decisions would be final and not subject to modification by the Board.

Commissioner Moss detailed the rationale for selecting specific appointing authorities, offices representing law enforcement and the rule of law, to enhance the commission's credibility and assure the public that appointees would evaluate matters honestly and fairly. He expressed concern that including additional entities in the appointment process might create perceptions of undue influence and noted that commissioners' benefits had expanded over time because alternative mechanisms for adequate compensation were unavailable. Commissioner Moss advocated for the commission to conduct annual reviews and consider all benefits when determining fair compensation, stating that determinations should be incorporated directly into the budget process. He concluded by emphasizing that commissioners needed adequate compensation to support themselves and their families without relying solely on outside income sources.

Ms. Escarra sought clarification on whether the salary revision applied uniformly to all County commissioners, and inquired whether chief judges could serve directly on the commission or were required to designate appointees.

Commissioner Moss confirmed the revision would be applied uniformly and indicated that judges must designate representatives rather than serve personally.

ACA Valdes clarified that designated appointments were required rather than direct service. He explained this applied to other public officials as well, though he needed to review specific code provisions before offering a definitive opinion on certain positions.

Ms. Escarra recommended establishing a minimum base salary for commissioners, suggesting it be tied to minimum wage or average median income.

Ms. Rebecca Wakefield expressed support for the proposal and suggested implementing progressive salary increases over time accompanied by scheduled review processes.

Mr. Eric Eikenberg questioned the absence of provisions addressing outside employment.

ACA Valdes confirmed the item did not address this matter, indicating commissioners would

remain eligible for outside employment.

Mr. Eikenberg raised concerns about executive benefits for commissioners referenced in Attachment B of the item, noting the benefits totaled approximately $74,980 annually and significantly exceeded the current $6,000 salary. He calculated that if the commission recommended the maximum salary authorized under State law for non-charter counties (approximately $123,000) combined with existing benefits, commissioners could receive nearly $200,000 in total annual compensation while maintaining outside employment eligibility.

Chairman Kerbel responded that the commission could evaluate benefits as part of their deliberations and confirmed that no State regulations specifically governed this aspect. He reassured Mr. Eikenberg that benefit decisions would remain at the Board's discretion.

Commissioner Moss noted that the current County Charter did not prescribe specific benefits for commissioners, allowing them discretion in determining their benefits.

ACA Valdes added that benefits might be regulated by State law, noting that non-charter counties were governed exclusively by State law provisions, whereas charter counties like Miami-Dade possessed home rule authority.

Vice Chairman Michael D. Redondo opined that voters might not support establishing a minimum salary for commissioners.

Ms. Escarra suggested commissioners could receive starting salaries equivalent to those of firefighters and law enforcement officers.

Chairman Kerbel proposed modifying language in the item's first paragraph but withdrew the suggestion after ACA Valdes explained that ballot question language was limited to 75 words and incorporating additional details would consume word count needed to describe the commission's composition and function.

ACA Valdes emphasized that the proposal should not specify exact salary amounts but instead inform voters that compensation would be adjusted based on the commission's recommendations. He distinguished this approach from previous ballot questions that specified definite salary changes, explaining that this proposal established a different system rather than guaranteeing any

particular outcome.

Responding to Mr. Eikenberg's request for clarity, ACA Valdes confirmed that the County Charter did not designate whether commissioners were considered part-time employees.

Chairman Kerbel proposed an amendment requiring the commission to conduct at least two public hearings prior to finalizing its review, which Commissioner Moss accepted as a friendly amendment.

ACA Valdes noted that the original language already required at least one public hearing.

Mr. José Jimenez requested that section E's meeting provisions be separated into a distinct paragraph, which would renumber the previous paragraph E as paragraph F.

ACA Valdes confirmed this modification could be incorporated.

In response to Ms. Escarra's question as to what would occur if a proposed salary increase was not approved, ACA Valdes clarified that salaries would remain unchanged, analogizing the situation to the Charter Review Task Force's mandate, f no revisions were deemed necessary, the status quo would prevail.

Mr. Eikenberg recommended that County commissioners be prohibited from maintaining outside employment given the potential for substantial salary increases and comprehensive benefit packages.

Commissioner Moss and ACA Valdes confirmed that research indicated neither charter nor non-charter counties throughout Florida imposed restrictions preventing commissioners from holding outside employment.

Commissioner Moss moved to approve the foregoing proposed item, as amended to include the amendment requiring at least two public hearings and the reorganization of meeting provisions into a separate paragraph as suggested by Mr. Jimenez.. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 9-1 (Mr. Eikenberg voted no; Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

ii Item B: Kerbel—Commissioner Term Limits

Chairman Kerbel introduced the term limits discussion, explaining that he had previously proposed changing commissioner term limits from two four-year terms to three four-year terms, with the restriction applying only to commissioners not in office prior to November 2028. He noted that Mr. Eikenberg had requested a parallel provision for the County Mayor, which appeared on the agenda as Item B-Alternate.

Chairman Kerbel explained his new proposal, Item C, which would establish a merit retention election in commissioners' sixth year of service. Under this mechanism, commissioners seeking a third term would require voter permission from their districts before being allowed to run again. He described this as a solution that would eliminate the need to exclude current commissioners since all candidates for a third term would face voter approval.

Chairman Kerbel invited discussion from task force members.

Mr. Jimenez expressed support for Item B but recommended eliminating the word "consecutive," allowing commissioners to serve three four-year terms total whether consecutively or not. He referenced Commissioner Jordan's earlier testimony suggesting that commissioners could potentially serve two terms, allow their replacement to serve one term, then return for a final term. Mr. Jimenez expressed limited support for third terms but acknowledged their importance if approved. He emphasized that three terms should represent an absolute maximum and questioned why current commissioners were excluded from the proposal.

Mr. Jimenez also noted concerns that the Mayor's office wielded considerably more power than any single commissioner position and cautioned that placing both salary and term limit items on the same ballot would likely result in both measures failing.

Chairman Kerbel acknowledged his intention to have the Task Force vote on which proposal the commission should prioritize based on previous discussions.

Ms. Stephanie Daniels expressed support for Item B and raised concerns about Item C's fiscal impact on taxpayers, questioning whether an additional election would be required to determine if commissioners could seek third terms.

ACA Sophia Guzzo clarified that such an election would coincide with primary elections rather than constituting an independent election, though it might affect district-level turnout.

Mr. Rafael Granado voiced his objections to Item C, arguing it would force commissioners to campaign continuously during their final term and require fundraising every two years, contrary to

the County's staggered election system designed to avoid perpetual campaigning. He questioned the rationale for excluding currently serving commissioners if the objective was allowing officials to complete their work, and challenged whether the mayor should receive a third term given the office's strong executive authority. Mr. Granado stated his preference for Item A modified to allow three total four-year terms rather than three consecutive terms.

Chairman Kerbel proposed striking the word "consecutive" from Item B.

Commissioner Moss expressed his preference for Item B and echoed concerns expressed by others that placing both salary and term limit measures on the ballot simultaneously would doom both proposals, particularly given recent community controversy regarding term limit changes.

Ms. Wakefield indicated support for Item B and suggested the Task Force recommend placing the salary commission proposal on the 2026 ballot and the term limits proposal on the 2028 ballot to avoid conflicting priorities.

Vice Chairman Redondo assumed chairing the meeting to allow for Chairman Kerbel to move the item.

Chairman Kerbel moved for the Task Force to approve Item B with revisions allowing commissioners to serve three total four-year terms applicable to current commissioners.

ACA Valdes sought clarification on how the three-term lifetime limit would interact with commissioners' existing terms and whether those terms would count toward the new limit. He explained that the Charter currently established term limits only for commissioners elected to full four-year terms, meaning appointees or individuals elected to complete unexpired terms were not subject to the two-term restriction under current provisions.

Extensive discussion ensued regarding how term limits should apply to appointed commissioners or those elected to fill vacancies.

Chairman Kerbel contended that serving more than half of an appointed or vacancy-filled term should count as a complete term toward the three-term limit.

ACA Valdes reviewed the appointment process, noting that appointments typically lasted only until the next Countywide election according to Charter provisions. He distinguished between appointments resulting from resignations and gubernatorial appointments following office suspensions, which operated under different legal frameworks. ACA Valdes referenced specific examples involving Commissioners Gonzalez and Milian Orbis to illustrate various appointment scenarios and their potential implications for term counting.

Mr. Jimenez initially advocated for provisions preventing commissioners from serving excessively long tenures through appointments but later withdrew his concerns, acknowledging the mathematical complexity and rarity of problematic scenarios.

Vice Chairman Redondo cautioned against establishing rigid numerical year limits, noting that such provisions could create inequities where some commissioners served less than twelve years while others served the full duration. He cited federal and State precedents, including the 22nd Amendment's treatment of presidential succession, which counted any service exceeding half a term against eligibility limits.

Mr. Eikenberg highlighted recent appointments as examples requiring consideration, noting that under certain scenarios commissioners could theoretically serve fifteen to sixteen years.

Following extensive discussions regarding various appointment scenarios and their mathematical implications, Chairman Kerbel modified his motion to request the Task Force to approve Item B as written and strike the word "consecutive" to establish a lifetime limit of three four-year terms regardless of whether served consecutively. He noted the motion eliminated provisions addressing appointments and removed the final sentence restricting application to future commissioners, thereby making the three-term limit applicable to current Board members. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

iii. Item B- Alternate: Eikenberg—Mayoral and Commissioner Term Limits

Chairman Kerbel invited Mr. Eikenberg to proceed with Item B-Alternate.

Mr. Eikenberg addressed Item B-Alternate, noting that while the strong mayor designation had been previously discussed, some powers originally held by the mayor's office had been transferred to constitutional officers approved by voters. He stated that based on the decision just made regarding commissioner term limits, it was important for parity that the mayor have the ability to serve three terms. Mr. Eikenberg specified he intended to include the word "consecutive," noting that the task force had just approved commissioner term limits without that word, but he proposed three consecutive terms for the mayor as stated in the provision. He moved the item.

Mr. Eikenberg moved that the Task Force approve Item B as outlined. This motion was seconded

by Vice Chairman Redondo.

Ms. Escarra sought clarification on whether the motion included or excluded the word "consecutive."

Mr. Eikenberg confirmed the motion included "three consecutive."

Responding the Mr. Jimenez's question if the County Mayor could skip a term and run again if the word "consecutive" was removed from the item, Chairman Kerbel indicated this could occur.

ACA Valdes explained that under general election law and prevailing legal precedent, the term "consecutive" when used to describe term limits functioned as a term of art to distinguish such limits from a lifetime ban. He clarified that the Charter's use of "consecutive" represented a deliberate decision establishing an eight-year limit, after which an official could leave office, wait four years, and run again. ACA Valdes noted the State legislature employed similar provisions using "consecutive." He emphasized that altering or removing this term would create practical changes to what applied, and the task force should be mindful that use or non-use of this term carried legal significance.

Mr. Eikenberg sought clarification, questioning ACA Valdes's explanation. He noted it seemed counterintuitive that a provision using the phrase "two consecutive four-year terms" would allow an official to serve two terms, leave office for four years, return to serve additional terms, and still be considered within the "two consecutive" term limit.

Discussion ensued between Mr. Eikenberg and ACA Valdes regarding the legal interpretation of "consecutive" term limits. Mr. Eikenberg expressed concern that the Charter language appeared counterintuitive, as the phrase "two consecutive four-year terms" would permit an official to serve eight years, leave office for four years, then return to serve an additional eight years, totaling sixteen years with an interruption, while still complying with the term limit restriction.

ACA Valdes confirmed this interpretation accurately reflected current Charter provisions and noted the structure paralleled State legislative term limit provisions.

After seeking clarification on whether additional gaps and subsequent terms would be permissible beyond the initial sixteen years, Mr. Eikenberg withdrew his motion.

iv. Item C: Kerbel—Revised Commissioner Term Limits

Chairman Kerbel opened the floor for discussion on recommendations regarding which question should appear on the ballot and when.

Ms. Wakefield moved that the task force recommend placing the salary commission proposal on the 2026 ballot and the term limits proposal on the 2028 ballot, noting this appeared to be the consensus.

Commissioner Moss offered remarks for the record regarding term limits and elections. He noted that voters effectively determined term limits through the electoral process by retaining or removing officials based on performance. Commissioner Moss observed that the public's perspective on elected officials often did not account for the full scope of their responsibilities and work commitments. He noted that officials dedicated to their communities invested effort comparable to county employees in other departments. Commissioner Moss referenced Commissioner Jordan as an example of sustained commitment to constituents and the County, and expressed optimism that public perception of elected officials would improve over time.

Chairman Kerbel acknowledged the contributions of both Commissioner Moss and Commissioner Jordan to their constituents and the county. He called for a vote on the pending motion.

Hearing no additional discussion, Chairman Kerbel called for a vote.

Ms. Wakefield moved to approve the foregoing proposed item, as presented. This motion was seconded by Commissioner Moss, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

V. Comments/Discussion by Task Force Members

A. Clerk's Meeting Minutes

Vice Chairman Redondo noted the minutes presented for approval had to be corrected to indicate he served on District 118 instead of District 20.

Vice Chairman Redondo moved to approve the minutes, as corrected. This motion was seconded by Mr. Eikenberg, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

B. Initial Task Force Report

Chairman Kerbel opened the floor for discussion. There were not any comments about the Initial Task Force Report.

Ms. Daniels moved to approve the Initial Task Force Report, as presented. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

In response to Chairman Kerbel's inquiry regarding when the report would be presented to the Board, Mr. de la Paz indicated that staff was consulting with the resolution's sponsor to determine an appropriate Board agenda date.

C. Other Discussion Items

Chairman Kerbel announced the next task force meeting would be held on November 17, 2025, at the Stephen P. Clark Building, second floor County Commission Chamber, from 9:00 a.m. to 12:00 p.m.; and requested input on scheduling a regional meeting in December 2025.

Ms. Henderson reported that three tentative December dates were under consideration pending confirmation from the sponsoring commissioner's office. She indicated that locations in the City of Homestead or the Town of Cutler Bay, both in County District 8, were being evaluated for a December 19, 2025 meeting. Ms. Henderson also noted her office was exploring potential January 2026 meeting dates at the Commission Chambers.

Discussion ensued among the Trust members and staff regarding scheduling options for future meetings.

Mr. Jimenez moved to schedule the next task force meeting for Monday, December 1, 2025, at the Commission Chambers at 9:00 a.m. Vice Chairman Redondo seconded the motion, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

Chairman Kerbel requested that meeting dates be identified for January through April 2026, with a regional meeting in the western area during January 2026 and a regional meeting in the southern area during February 2026. He indicated he would coordinate with the sponsor of the resolution establishing the CRTF to request an extension through April 2026. Chairman Kerbel noted that scheduling details could be further discussed at the November 17, 2025 meeting.

VI. Adjournment

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting was adjourned at 7:28 p.m.

Chairman Dennis A. Korbel
Charter Review Task Force

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
October 27, 2025

Prepared by: Jose Soto

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
--	Charter Review Task Force 10/27/2025 Agenda
--	Roll Call
--	List of Public Speakers

Miami-Dade County Charter Review Task Force Agenda
Official Version
Monday, August 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

Attachment A

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.<<

Attachment A

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.<<

Attachment A

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.<<

Attachment A

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 70th day prior to the date of the Primary Election.<<

ATTACHMENT B

Commissioner Salary and Benefit Values

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

Retirement Contributions (County)	2023	2024	2025	2026
401(a) - IRS Annual Contribution Limits	$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	
Annual Salary	$200,000.00*		$200,000*		$200,000 ($206,000)**		$206,000.00	
Executive Benefit Group Package	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Car Allowance	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Expense Allowance	$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**

ATTACHMENT C

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;

~ 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.

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

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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

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

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.

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.

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."

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.

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

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

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.

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.

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.

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.

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

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

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.

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.

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.

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

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, 2nd floor Commission Chamber: 111 NW 1st St, Miami, FL 33128, on September 5th, 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.

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

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

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

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

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

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.

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

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.

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.

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

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.

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."

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.

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.

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.

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.

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.

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.

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

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:

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

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.)

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

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.

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-charted 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 the140% 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

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.

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.

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.

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.

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.

ATTACHMENT F

Miami-Dade County Charter Review Task Force

Preliminary Recommendations Report

October 2025

www.miamidade.gov/charter

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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,[1] 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

[1] 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) 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. 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

Members	Appointing District/Entity
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[1]

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 (⅔) 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 p ublic 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 10TH, 2025

The Miami-Dade Charter Review Task Force (CRTF) convened an in-person meeting at the Stephen P. Clark Government Center at 111 NW 1st 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.

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).

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

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:

- 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), 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.

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).

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.

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

AGENDA ITEM NO.	DESCRIPTION
-	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

ATTACHMENT 1

Miami-Dade County
Charter Task Force Members

Members	Appointing District/Entity	Appointment Status
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

REVISED: JULY 2, 2025 10:26 AM

ATTACHMENT 2

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

MEMORANDUM
(Revised)

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

DATE: March 19, 2024

FROM: Geri 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

ATTACHMENT 3

THE

HOME RULE AMENDMENT

AND

CHARTER

(AS AMENDED THROUGH NOVEMBER 8, 2022)

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.

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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:*

ARTICLE VIII, SECTION 6 FLORIDA CONSTITUTION 1968

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

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.

(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

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

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."

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

ARTICLE - 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

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

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

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

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

SECTION 10.01. **NAME OF COUNTY.**

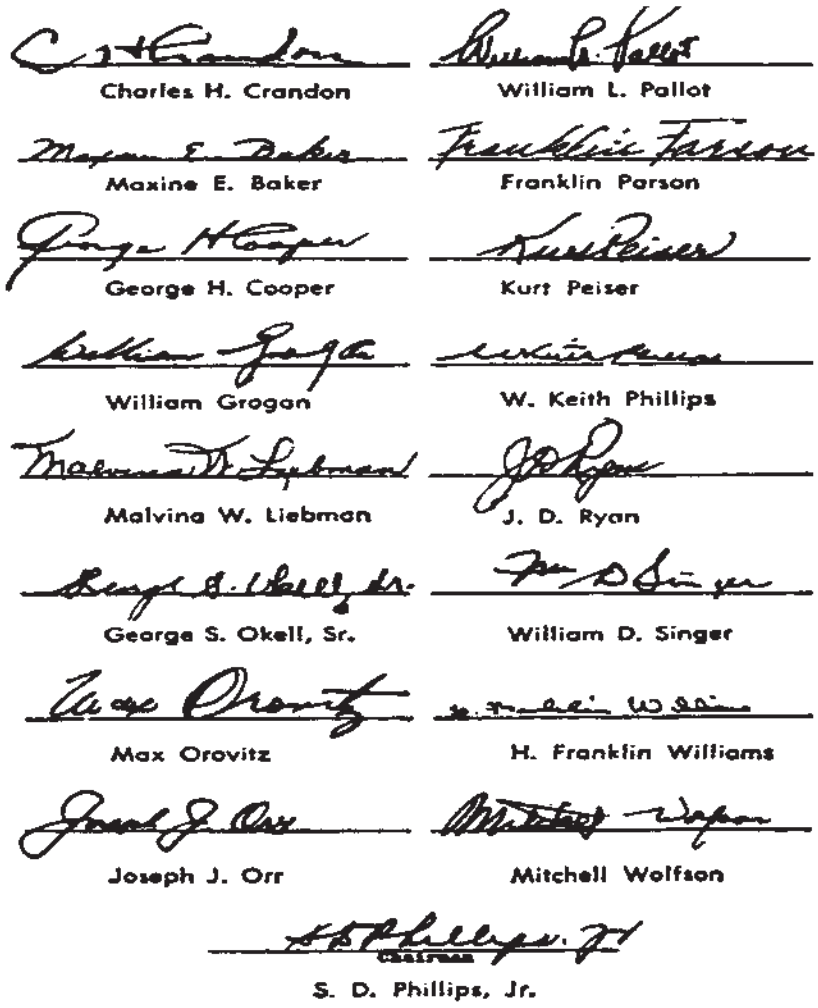
A. The name of Dade County shall officially be changed to Miami-Dade County and all references to Dade County in the Florida Constitution, Florida Statutes, Code of Metropolitan Dade County, federal law, case law and other legal documents, shall be deemed to be references to Miami-Dade County.

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.



April 15, 1957

ORIGINAL CERTIFICATION OF CHARTER BOARD

April 15, 1957

ATTACHMENT 4

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

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

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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 60th 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[1]	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[2]	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[3]	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[4]	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.

[1] George Burgess resigned and was replaced by Anna-Bo Emmanuel
[2] Maurice Ferre resigned
[3] Luis E. Gonzalez resigned and was replaced by Paul Hernandez
[4] 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) 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 pubic was able to send comments to the Task Force by visiting the website and submitting suggestions or via email at 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

<u>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.</u>

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.

<u>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.</u>

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 Vive-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 15th 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.

ATTACHMENT 5

2018 General Election

	For	Against
COUNTY REFERENDUM 1 **Charter Amendment Relating to Nonpartisan Election of Clerk of the Circuit Court** 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?	61.12% (437,128)	38.88% (278,017)
COUNTY REFERENDUM 2 **Charter Amendment Relating to County Appointed Officials and Employees Running for Certain Elective Office** 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?	55.96% (394,131)	44.04% (310,174)
COUNTY REFERENDUM 3 **Charter Amendment Relating to Review of Initiatory Petitions for Legal Sufficiency** 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?	61.31% (420,964)	38.69% (265,681)
COUNTY REFERENDUM 4 **Charter Amendment Regarding Elections for County Commissioners and Mayor** 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?	69.52% (508,164)	30.48 (222,763)
COUNTY REFERENDUM 5 **Charter Amendment Prohibiting Certain Payments Circulators of Initiatory Petitions** 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?	66.54% (476,059)	33.46% (239,361)

2020 General Election

	For	Against
COUNTY REFERENDUM 1 **Home Rule Charter Amendment Establishing Independent Inspector General** 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?	73.72% (754,383)	26.28% (268,991)
COUNTY REFERENDUM 2 **Charter Amendment Regarding Elections to Fill Mayor or Commission Vacancies During Primary and General Elections** 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?	78.40% (808,689)	21.60% (222,805)
COUNTY REFERENDUM 3 **Nonpartisan Election of County Sheriff, Property Appraiser, Tax Collector and Supervisor of Elections** 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?	48.83% (501,486)	51.17% (525,560)

2022 General Election

	For	Against
COUNTY REFERENDUM 1 **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?	81.24% (515,631)	18.76% (119,089)
COUNTY REFERENDUM 2 **Charter Amendment Requiring Voter Approval for Changes to Governing Structure of County Transportation Assets** 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?	79.84% (507,180)	20.16% (128,041)

Commission Chambers Availability
July – December 2025

July

Weekday	Dates	Times	Conflict
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

Weekday	Dates	Times	Conflict
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

Weekday	Dates	Times	Conflict
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

Weekday	Dates	Times	Conflict
Monday	11/3	9:00-1:00	

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

Weekday	Dates	Times	Conflict
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	

ATTACHMENT 7

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)
23 CDMP/ZONING 9:30 AM/ RESCH. TO 01/30/2024
28 COMMITTEE OF THE WHOLE 9:30 AM
30 CDMP/ZONING 9:30 AM
30 TMC 10:30 AM- FPC 11:30 AM (TENTATIVE)
30 TPO 2:00PM

FEBRUARY

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	

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- FPC 11:30 AM (TENTATIVE)
27 TPO 2:00PM

MARCH

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					

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
		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			

1 REGULAR 9:30 AM
1 JOINT BCC & YOUTH COMMISSION 9:30 AM
1 JOINT BCC & CITY OF HIALEAH SPECIAL MTG 11:00 AM
2 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
7 PC 9:00 AM/CANC. - IITC 11:00 AM/CANC. - RTC 2:00 PM/CANC.
8 TC 9:00 AM/CANC. - SHC 11:00 AM/CANC. - HC 2:00 PM/CANC.
9 AC 9:00 AM/CANC. - APC 11:00 AM/CANC. - PRC 2:00 PM/CANC.
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- FPC 11:30 AM (TENTATIVE)
24 TPO 2:00PM
29 CDMP/ZONING 9:30 AM

MAY

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

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- FPC 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 - FPC 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
		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		

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- FPC 11:30 AM (TENTATIVE)
17 TPO 2:00PM

AUGUST

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						

1 REGULAR 9:30 AM

REGULAR
CMTE./SUBCMTE. (SEE REVERSE SIDE)
ZONING & CDMP
TPO & TPO CMTE. (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- FPC 11:30 AM (TENTATIVE)
25 TPO 2:00PM

OCTOBER

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	

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- FPC 11:30 AM (TENTATIVE)
30 TPO 2:00PM

NOVEMBER

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						

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
	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			

2 REGULAR 9:30 AM
3 REGULAR CARRY-OVER 9:30 AM (IF NEEDED)
4 TMC 10:30 AM- FPC 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

Latest Revision on 6/11/2025 8:33 AM

Prepared by the Clerk of the Board Division

2025 CALENDAR OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS

COMMISSION COMMITTEES

AIRPORT COMMITTEE (AC)
APPROPRIATIONS COMMITTEE (APC)
HOUSING COMMITTEE (HC)
INFRASTRUCTURE, INNOVATION, AND TECHNOLOGY COMMITTEE (IITC)
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.	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	FL. Legislature Session Begins
Mar. 19	FAC Leg. Day in Tallahassee
Mar. 24 - Mar. 28	Spring Break
May 2	FL. 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.
Mar. 4 - Munic. Run-Off
- Gen. Munic. Elect.
Mar. 18 - 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.
Oct. 7 - Munic. Primary Elect.
Nov. 4 - Munic. Primary Elect.
- Gen. Munic. Elect.
Nov. 18 - Gen. Munic. Elect.
- Munic. Run-Off

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 22ND	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 & MILIAN 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

Latest Revision on 6/11/2025 8:33 AM

Prepared by the Clerk of the Board Division

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

July 10th, 2025

Charter Review Task Force Member
Miami-Dade County
111 NW 1st 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: eą deą... ee a ce f te a e metria.Henderson@miamidade.gov
Sent: da l
To: a eakede e eaeake deadadeclek
Cc: Rla d a ce e a aRladada de
Subject: Re ced bece

e cec hanks again, Kerry!!

Demetria Henderson
Director of Legislative Affairs
Office of Mayor Daniella Levine Cava
Cell 786-769-3985
111 NW 1st Street, 29th Floor, Miami, FL 33128

From: a r eakede e eaeaked eadadecle k
Sent: da l
To: ed e ee a ce e a e ea ed ea idade
Cc: Rla d a ce e a aRladada de
Subject: RE: Excused Absence

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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 1st Street, Suite 17-202
Miami, FL 33128
Phone: 305-375-5108
Cell Number: 305-495-9778
Email: Kerryk@miamidadeclerk.gov

Web: **www.miami-dadeclerk.com**

From: e de rso ee a ce f te a e metria.Henderson@miamidade.gov
Sent: da l
To: a eakede e eaeake deadadeclek la aa <aa mla adade clek a aa aaaadade clek
Cc: aa de la a Jore ce e a eaa delaaa dade >; Rla d a ce e

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Demetria Henderson
Director of Legislative Affairs
Office of Mayor Daniella Levine Cava
Cell 786-769-3985
111 NW 1st Street, 29th 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.

- 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.

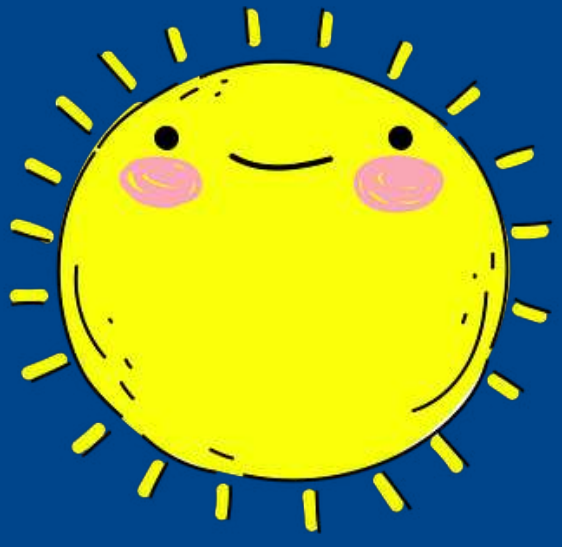
- The Ethics Commission has three main functions:

  - 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.

Government in the Sunshine F.S. Section 286.11

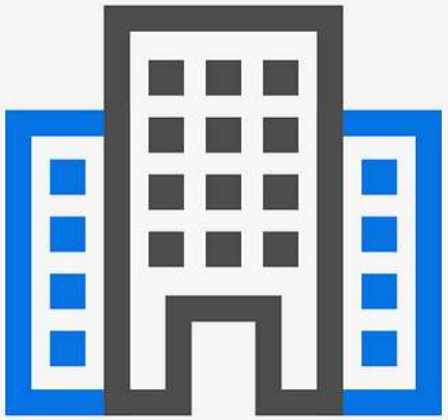


Basic Rules

- 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

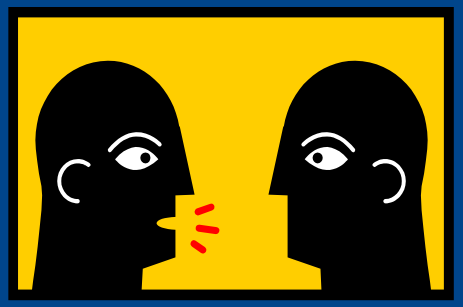
- "In order for there to be a violation of F.S. 286.011, a meeting between TWO OR MORE public officials must take place which violates the spirit, intent, and purpose. The obvious intent of the [Sunshine Law] was to cover any gathering of some of the members of a public board where members discuss some matters on which **FORESEEABLE ACTION** may be taken by the board." (Emphasis added) *Hough v. Stembridge*, 278 So.2d 288 (Fla. 3rd 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

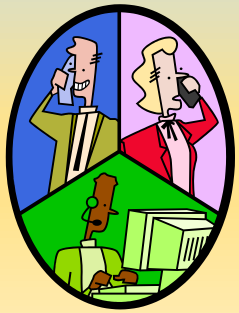




- The Sunshine Law prohibits one-way oral communications between board members, i.e., where one party speaks and the second party does not respond.
- A one-way electronic or written communication by a board member is permissible if it is kept as a public record and there is no response to it from another 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.



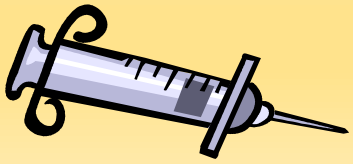
Opportunity to be Heard, F.S. Sec. 286.0114

- 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).

GIFT DISCLOSURE

MIAMI -DADE ETHICS CODE SEC. 2-11.1(E)(4)

- 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:
STREE ADDRESS:	OFFICE OR POSITION HELD:
CITY: ZIP: COUNTY:	FOR QUARTER ENDING (Check One): ☐ MARCH ☐ JUNE ☐ SEPT ☐ DEC YEAR: 20__

PART A: STATEMENT OF GIFTS. List below each gift, or series of gifts, 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 dates the gifts were received. If any of these facts are unknown or not applicable, state this on the form. **You are not required to 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

CHECK HERE IF CONTINUED ON SEPARATE SHEET. ☐

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 form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt. **CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM.** ☐

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, it should be disclosed by the end of the next quarter, *i.e.*, June 30. County personnel file with the Clerk of the Board of County Commissioners, 111 NW 1st St., Suite 17-10, Miami, FL 33128. Municipal personnel file with their respective municipal clerks.

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 attachments made by me constitutes a true, accurate, and total listing of all gifts required to be reported by Section 2-11.1 (e)(4) of the Code of Miami-Dade County.

_____
Signature of Person Making Gift Disclosure

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)

_____
(Print, Type, or Stamp Commissioned Name of Notary Public)

☐ 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(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(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

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. Vázquez, 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)

"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

"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

- 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?

- 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?

- 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
Authority flows from Florida Constitution	Authority flows from state legislature
Powers defined by Florida Constitution: "all powers of local self-government not inconsistent with general law"	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
Conflict between county and municipal ordinances governed by county charter	Ordinances yield to conflicting municipal ordinances within municipal boundaries

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

- 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)

"… [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)

"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

- 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

- 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

- 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

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.

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.

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.

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

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 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

   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.

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.

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

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;

~ 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.

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

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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

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

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.

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.

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."

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.

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

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

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.

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.

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.

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.

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

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

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.

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.

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.

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

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, 2nd floor Commission Chamber: 111 NW 1st St, Miami, FL 33128, on September 5th, 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.

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

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

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

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

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

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.

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

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.

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.

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

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.

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."

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.

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.

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.

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.

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.

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.

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

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:

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

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.)

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

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.

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-charted 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 the140% 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

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.

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.

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.

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.

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.

CHARTER REVIEW TASK FORCE

Location: ~~SPCC~~ North Dade Regional Library	Meeting Date: Oct 27, 2025
Room: Auditorium	

	MEMBERS	✓ PRESENT	LATE	ABSENT
1.	~~Senator Alexis Calatayud~~ **D11**			✓
2.	Stephanie V. Daniels **D1**	✓		
3.	Mayor Joshua Dieguez **D13**			✓
4.	Eric Eikenberg **Mayoral Appointment**	✓		
5.	Iris Escarra **D7**	✓		
6.	Robert H. Fernandez **D6**		✓ 6:13	
7.	Rafael E. Granado **D4**	✓		
8.	Jose Jimenez **D12**	✓		
9.	Chairman Dennis A. Kerbel **D8**	✓		
10.	Mayor Steven D. Losner **Community Relations Board**			✓
11.	~~Mayor Andre D. Pierre~~ **D2**			✓
12.	Vice Chairman Michael D. Redondo **D10**	✓		
13.	Rebecca Wakefield **D5**	✓		
14.	Mayor Crystal Wagar **D3**			✓
15.	Commissioner Dennis Moss **D9**	✓		

NOTE: Eight (8) members required to have a quorum

Event Name: Charter Review

Monday, October 27, 2025,

Walk In_____

#	NAME	ADDRESS	Email Address	Phone number	Name of Organization
	Jondra Greier	600 NW 183rd St Miami Gardens, FL	Jondra-Greer@patriotmail.org	(301) 399-6384	Heart & Hand Outreach
	Phil Ehs	8962 SW 142ND Ave Miami, 33186 #1219	philehr@gmail.com	(305) 570-7305	
	Malchizedek	10534 S.W. 18 Street FL 33025	malchizedek@gmail.com	(305) 342-6528	Jah Church
	Marisol Zenteno	4760 NW 173 Dr Miami FL 33055	marroa33@gmail.com	9-368-5166	League of Women Voters Miami-Dade County
	Commissioner Barbara Jordan	—	—	—	
	Alyshea Mccullagh	5240 NW 24th ct	Amccullagh1212@gmail.com	305 318-3915	BCNA
	Kennetha Patrick	3167 NW 24th Ave	kkpatrick@myboca.com	786-443-9426	BCNA

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force

Stephen P. Clark Center
111 NW 1st Street
Commission Chambers
Miami, Florida 33128

November 17, 2025
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Tomeka Law, Commission Reporter
(305) 375-3864

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
November 17, 2025

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its meeting at the Stephen P. Clark Center, Commission Chambers, 111 NW 1st Street, Miami, FL 33130, on November 17, 2025 at 9:24 am.

I. ROLL CALL

Prior to the Roll Call, Deputy Clerk Tomeka Law announced that Ms. Stephanie Daniels and Vice Chairman Michael Redondo were excused from today's meeting. Following the meeting, the Clerk of the Board was notified that Mr. Eric Eikenberg was also excused from today's meeting.

The following Task Force members were present at roll call:

- Senator Alexis Calatayud;
- Mr. Robert Fernandez;
- Mr. Rafael E. Granado;
- City of Homestead Mayor Steven Losner;
- Former Miami-Dade County Commissioner Dennis Moss;
- Former City of Miami Shores Mayor Crystal Wagar;
- Ms. Rebecca Wakefield; and
- Chairman Dennis Kerbel.

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

- Assistant County Attorneys (ACA) Michael Valdes, Jose Vazquez and Sophia Guzzo;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
- Mr. Carlos Maxwell, Assistant Director, Office of Management and Budget (OMB);
- Ms. Kimberly Brown, Chief, Planning Division, Department of Regulatory and Economic Resources (RER); and
- Deputy Clerks Basia Pruna, Kerry Khunjar Breakenridge, Israel Alonso and Tomeka Law, Clerk of the Board.

Ms. Iris Escarra and Former City of North Miami Mayor Andre D. Pierre arrived at 9:28 am and 9:29 am, respectively.

II. PLEDGE OF ALLEGIANCE

Senator Calatayud led the Pledge of Allegiance.

III. REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD

Chairman Dennis Kerbel opened the reasonable opportunity for the public to be heard, and the following individual came forward to speak:

Mr. Grant Miller, 6796 SW 62nd Avenue, Miami, Florida spoke in opposition to extending commissioners' term limits to 9 years in contrast to the state legislators who serve 8 years. He raised concerned about proposed changes to remove the word "daily" from legal notices and sought clarification on which newspapers would qualify for legal notice publication. He advocated for greater transparency and recommended maintaining robust advertisement requirements, asserting that reducing legal notice requirements would undermine government transparency. Mr. Miller also raised concerns about the adequacy of the current one-mile radius for zoning notifications, suggesting an expansion to either three miles or maintaining at least one mile to ensure more residents received notice of zoning matters. He emphasized that transparency represented the County's biggest challenge and urged commissioners to ensure legal notices remained widely accessible to all residents.

Seeing no one else come forward to speak, Chairman Kerbel closed the reasonable opportunity for the public to be heard.

IV. CONTINUATION OF DISCUSSIONS ON THE STRUCTURE OF COUNTY GOVERNMENT

A. MOTIONS FOR CONSIDERATION

I. ITEM A: KERBEL – DIGITAL PUBLICATION

Chairman Kerbel explained that Item A proposed removing the charter requirement that ordinances be published in a daily newspaper of general circulation and instead allowing ordinances to be published in any manner authorized by state law for legally required notices. He stated the purpose was to remove the additional charter impediment to public notices, noting that special taxing district ordinances were particularly affected because advertising requirements prevented them from being processed as quickly as other items. Chairman Kerbel clarified that zoning notices were handled separately under code provisions that included mailed notices to property owners and posting, and emphasized that the amendment would only remove the requirement from the charter and allow the Board of County Commissioners to set notice policy by ordinance as they had already done for other items.

Commissioner Moss asked what state law stipulated about publicizing legal notices. He followed up by questioning whether the cost-benefit analysis had considered the reach of notices,

specifically comparing online puhlication on the county website versus circulation through various news media.

ACA Valdes explained that Florida Statute 50.0311, passed in 2022, allowed governments to post legal notices online on a publicly accessible county website under certain conditions, including completion of a cost-benefit analysis demonstrating cost savings compared to newspaper publication. He stated that the county had performed such an analysis several years prior for certain legal notices and determined it would be cost-effective to provide those notices on the county website. ACA Valdes clarified that this was permitted for certain items but not for ordinances due to the charter language, which imposed its own obligation. He noted that the county's legal ads and public notices website allowed members of the public to sign up to receive emailed copies or notifications of all legal notices rather than having to check the website, and offered to provide Commissioner Moss with the resolution containing the cost-benefit analysis.

Commissioner Moss stated he understood the cost-saving rationale but expressed concern about whether online notices served the public's best interest regarding notification, questioning how many county residents would automatically visit the county website to look for meetings and similar information.

Chairman Kerbel responded that he proposed the amendment because the county had already adopted this approach for other items, and only the charter requirement prevented the discussion about applying it to ordinances. He emphasized that removing the charter impediment would still require the County Commission to take action to execute the change, or alternatively, the Commission could decide to continue publishing ordinances in newspapers, but at least they would have the option and could hold that discussion with the public.

Ms. Escarra commented that Miami-Dade County's digital service functioned effectively, noting that once residents signed up for certain notices regarding county meetings and committee meetings on topics of interest, notices were delivered directly to their inbox. She stated that cost savings existed with digital publication compared to newspapers that people might not be reading as frequently, noting she personally checked online sources in the morning. Ms. Escarra expressed her view that alternative methods could save money and that not everyone was reading newspapers as they previously had.

Mr. Granado reported that Miami Beach voters adopted essentially the same provision in November of the previous year, removing a charter provision requiring ordinances to he advertised in a newspaper of general circulation. He stated that when Miami Beach conducted its study, newspaper recipients numbered fewer than 3,000 in a population of 83,000, and the cost savings had been tremendous. Mr. Granado noted that most municipalities were using a single website for notices and that unlike newspapers, which could not be accessed after the day of publication, the website provided continuous access. To address concerns about website

accessibility, he explained that state statute mandated annual newspaper advertisements informing the public they could opt in for mail or email notices. Miami Beach additionally posted advertisements weekly at libraries for those wanting physical printed copies and, acknowledging this might not work for a larger entity like the county, also provided copies to elderly housing buildings. Mr. Granado noted that residents could pick up advertisements at the office if they did not want them mailed or emailed, and copies were available at city hall. He emphasized that the system had worked well with no complaints received. Mr. Granado also highlighted that correcting errors in advertisements was instantaneous online compared to weeks for newspaper corrections, and that uploading advertisements to the website took only a minute, with many municipalities utilizing this system.

Chairman Kerbel relinquished the Chair to Commissioner Moss and moved to approve Item A – Digital Publication, as presented. This motion was seconded by Mayor Losner and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

II. ITEM B – ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES

Chairman Kerbel resumed the Chair and introduced Item B, explaining that following the expiration of COVID emergency orders, limitations in the charter regarding the definition of "presence" created obstacles for virtual meetings. He noted that state law provided unclear guidance on local government authority to permit virtual meetings. Chairman Kerbel proposed amending the charter to remove this obstacle and allow the Board to determine the level of virtual participation in meetings consistent with state law. He amended his proposed language from "to the extent consistent with state law" to "unless otherwise prohibited by state law" to provide the Board with maximum flexibility. Chairman Kerbel characterized this as a technical change to enable electronic participation where possible, noting his belief that a physical quorum would always be required but that the charter should accommodate potential changes in state law.

Commissioner Moss inquired about state law requirements concerning virtual meetings and expressed support for the concept.

ACA Valdes explained that state law addressed virtual participation primarily for state agencies and remained largely silent on requirements for local governments such as counties or municipalities. He noted that Attorney General opinions issued to municipalities and local government bodies regarding remote participation typically indicated that when charter or governing documents required a quorum to be "present" without defining the term elsewhere, the Attorney General interpreted "presence" to mean physical presence. ACA Valdes explained that

state law requirements mandating public meetings and public participation likely necessitated physical presence at some point. He outlined that the key questions involved whether a quorum could be established by commissioners appearing remotely and whether commissioners could vote or participate remotely even with a physical quorum present. ACA Valdes clarified that Attorney General opinions generally deferred to the natural meaning of "presence" based on charter or other governing documents. He stated that the proposed change would allow the charter's use of "present" to include remote participation if permitted by state law.

Commissioner Moss sought clarification on whether members who were absent could log in remotely and be counted toward quorum if procedures and laws permitted such participation.

ACA Valdes confirmed that if the Board's procedures permitted remote participation and state law did not prohibit it, the amendment would establish a framework requiring both conditions; the absence of state law prohibition and authorization through the Board's rules of procedure. He emphasized that the amendment would enable such participation, which was currently not permitted under the existing charter language.

Chairman Kerbel relinquished the Chair to Commissioner Moss and moved to approve Item B, as amended. Mayor Pierre seconded the motion and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

III. ITEM C – RESOLUTION AND ORDINANCES

Chairman Kerbel resumed the Chair and introduced Item C, characterizing it as another technical cleanup item. He explained that the charter currently required ordinance titles to be read in full, noting that times had evolved since the requirement was first adopted when it may have been the only way the public could hear the title. Chairman Kerbel stated the purpose was to eliminate the requirement for the county attorney to read one or two page-long titles at the beginning of meetings, which consumed considerable time, particularly given that the public now had alternative methods of obtaining this information through the internet and other means.

Chairman Kerbel relinquished the Chair to Commissioner Moss and moved that Item C be approved, as presented. Mayor Pierre seconded the motion and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

Chairman Kerbel then made a second motion to instruct the County Attorney's office to revise the previously adopted ballot language on technical amendments to incorporate the three (3)

changes into a single ballot question without requiring the Task Force to review the revised language again. He stated he wanted to provide the County Attorney's office with maximum flexibility to work out the details with the Board when the matter moved forward. Mayor Pierre seconded the motion, and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

B. OTHER DISCUSSION ITEMS

1. RESIDENCY REQUIREMENTS TO RUN FOR OFFICE

Mayor Losner presented three discussion items for Task Force consideration: residency requirements for Commission candidates, County Commission vacancies, and election of the Board of County Commissioners Chairman. He proposed extending the residency requirement from six (6) months to one (1) year and requiring voter registration in the district for the same period, stating this would create an additional indicator of genuine residency commitment.

Mayor Pierre expressed support for Mayor Losner's residency proposal and raised concerns about documentation requirements for proving residency. He noted instances where individuals obtained lease agreements from acquaintances to satisfy requirements and suggested implementing more stringent qualifying document requirements and actual district registration verification.

Chairman Kerbel requested that ACA Valdes address qualification requirements under state law.

ACA Valdes explained that candidate qualifications for County Commission fell within the county's home rule powers, allowing discretion to establish requirements. He stated that state law required candidates to take an oath at qualification, attesting that all necessary qualifications had been met, and that this represented a ministerial duty for the Supervisor of Elections (SOE) to accept qualification papers. ACA Valdes clarified that state law did not require the SOE to review papers or determine accuracy of representations, noting that candidates needed only to attest they met qualifications, with challenges left to others. He confirmed that no supporting documentation was required under state law beyond the candidate's oath, though the county could include additional requirements under its home rule powers.

Chairman Kerbel inquired whether the Clerk of the Board or SOE would be responsible for accepting and verifying heightened residency requirements.

ACA Valdes stated he could not determine which entity would be most appropriate but noted that current county code provided a mechanism for challenging candidate residency validity through complaints filed with the Inspector General. He explained that the Inspector General investigated such complaints and could bring action to validate allegations or challenge

candidacy if district residency requirements had not been met. ACA Valdes further explained that while the charter could require specific documentation, the SOE was not positioned to challenge the veracity or accuracy of documents received from individuals. He stated that any dispute over documentation accuracy would require a separate challenge, typically by an interested candidate challenging an opponent's candidacy.

Mayor Pierre asked how the accuracy of a driver's license could be challenged.

ACA Valdes clarified that his reference to challenging documentation accuracy pertained to items such as lease documentation demonstrating residency, which had been subject to candidate challenges. He noted that for Mayor Losner's proposal requiring demonstration of registered voter status in the district, public records could be easily provided.

Commissioner Moss inquired whether other jurisdictions used clear standards for determining residency and requested research on documentation requirements used in other districts.

ACA Valdes stated he was not aware of clear standards used in other jurisdictions but offered to research the matter. He explained that residency challenges were common in election litigation and represented a complex area requiring courts to make fact-specific determinations. ACA Valdes noted that residency challenges had become a hallmark of election litigation, involving battles of testimony in which courts interpreted residency as typically being in the candidate's own determination of where they considered themselves resident. He provided examples including individuals with multiple properties or college students studying away from home, emphasizing that these represented complicated, fact-specific determinations.

Mayor Losner acknowledged Mayor Pierre's concerns but requested separation of the two issues, extending the residency requirement timeline versus documentation requirements, to avoid conflating his proposal to move the requirement from six (6) months to 12 months with more complex documentation questions.

Chairman Kerbel agreed to address the issues separately, directing research on the qualification documentation question for future discussion.

Mr. Granado sought clarification that the one-year requirement would apply immediately prior to qualification rather than any previous one-year period.

Mayor Losner confirmed the requirement would apply for the 12 months immediately preceding qualification, specifically measured from the first day of the qualifying period. He noted that the City of Homestead's (Homestead) charter was structured this way, providing a definite date from which to calculate the preceding twelve months.

Mr. Granado noted that the City of Miami Beach's (Miami Beach) charter, adopted approximately four (4) years prior, included specific documentation requirements that could serve as a research reference.

Mayor Losner moved to amend the charter to extend the district residency requirement to 12 months preceding the first day of qualification and to add a requirement that candidates be registered to vote in the district for the same 12-month period, clarifying that registration must be within the district but not necessarily at the specific qualifying address.

Mayor Pierre sought clarification on whether candidates qualifying on the final day of a multi-week qualifying period would need to meet the requirement.

Mayor Losner explained that based on Homestead's experience, the 12-month calculation was measured from the first day qualifying opened, meaning candidates could qualify any time during the qualifying period provided they met the requirement by the opening date.

ACA Valdes requested clarification on the timing requirement, noting that current charter language required candidates to meet the six-month district residency and three-year county residency requirements "before qualifying," which represented a sliding scale. He sought confirmation that the intent was to establish the requirement prior to the beginning of the qualifying period.

Mayor Losner confirmed he had no intention to change the three-year county residency requirement, only the district residency requirement with the additional voter registration layer. He clarified that candidates would need to meet the 12-month requirement by the day before qualifying commenced.

Chairman Kerbel and ACA Valdes discussed whether the three-year county residency requirement would also be measured from the first day of qualification.

Mayor Losner confirmed his intention to apply the first-day-of-qualification timing to both the district and county residency requirements.

ACA Valdes confirmed he understood the direction and could make the necessary language changes. The motion passed with no recorded opposition.

Mayor Losner restated his motion to amend the charter to extend the district residency requirement to 12 months preceding the first day of qualification and to add a requirement that candidates be registered to vote in the district for the same 12-month period, clarifying that registration must be within the district but not necessarily at the specific qualifying address.

Mayor Wagar seconded the motion and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

2. COMMISSION VACANCIES

Mayor Losner advocated for establishing a requirement that any vacancy with more than one year remaining in the term be filled by special election rather than Commission appointment. Drawing from his experience with Homestead's charter overhaul, he stated that the Commission currently possessed absolute discretion to either appoint for any length of time or call a special election, and he proposed establishing that any remaining term of more than one year, 366 days or more, be filled by special election, while terms of one year or less could be filled by appointment. Mayor Losner noted that mobilizing an election and qualifying period would consume approximately 90 days of a twelve-month term.

Ms. Escarra raised concerns about the significant costs of special elections, characterizing them as a burden on municipalities and the county. She noted that the county typically conducted elections in August with occasional November runoffs, and inquired whether a mechanism existed to consolidate elections with regularly scheduled August elections rather than conducting costly off-cycle special elections, particularly in cases of abrupt resignations as opposed to planned resignations to run for other offices.

Mayor Losner acknowledged the expense but noted that special elections would typically involve only a single commission district rather than a countywide election.

ACA Valdes explained that the charter provided the Board with two options: appointing someone within 30 days following creation of a vacancy, or if no appointment was made, calling a special election no more than 90 days thereafter. He clarified that special election winners served the full remainder of the unexpired term, while appointees served only until the next countywide election, typically in August of even-numbered years. ACA Valdes explained that whoever won that next countywide election would serve the remainder of the term.

Ms. Escarra inquired whether a mechanism existed or needed to be created to allow proactive scheduling of elections when commissioners resigned to run for other offices, noting that the county appeared unable to call a special election until after the effective date of resignation. She suggested that if someone resigned in June effective November, the county could schedule an election concurrent with that November election to achieve cost savings rather than conducting a subsequent special election.

Mayor Losner stated that such concurrent elections were possible, noting that while it would be called a special election, it would occur concurrent with the August or November election.

Ms. Escarra referenced Commissioner Higgins's resignation announcement and suggested it would have been cost-effective to place the seat on the November ballot rather than conducting a special election in January or February, representing an additional expense.
Responding to Chairman Kerbel's inquiry as to whether such a mechanism existed, ACA Valdes explained that in 2020 the charter was amended to provide a mechanism under certain circumstances. He stated that the charter provision allowed vacancies created by irrevocable resignations to run for another office, effective after the primary or general election in accordance with state law, to be filled by election as if the officer's term were otherwise scheduled to expire. ACA Valdes clarified that this provision applied when resignations occurred in even-numbered years, allowing the county to utilize its already-scheduled countywide August and November elections by adding a special election question. He noted that the current issue involved an odd-numbered year with no countywide elections, which prevented the provision from triggering even with an irrevocable resignation. ACA Valdes stated that if an irrevocable resignation to run for another office occurred prior to August or November 2026, the vacancy could be filled by adding the question to the primary or general election ballot.
Chairman Kerbel inquired whether cost savings would have resulted from applying this provision in odd-numbered years, allowing the County Commission election for District 5 to occur in November.

ACA Valdes stated that the SOE would best address cost considerations, noting that city elections involved different ballots for different parts of cities since a county seat might extend beyond particular city boundaries. He noted that District 5 extended to the City of Miami, City of Miami Beach, and potentially unincorporated areas that might not have had elections at that time. ACA Valdes explained that the 2020 provision's rationale was based on countywide elections where everyone eligible to vote in a vacancy election would already be participating in a concurrent election.

Chairman Kerbel sought clarification on the maximum service time for appointees under current charter provisions.

ACA Valdes confirmed that assuming someone resigned immediately after winning office and appointment occurred immediately thereafter, the maximum service period would be slightly less than two years.

Mayor Losner stated that Commission appointments signaled to donors which candidate the Commission favored, providing appointees with significant fundraising advantages through incumbency. He argued that appointments removed ultimate decision-making from district

residents, even for periods of one and a half to two years, due to implicit signals conveyed by the appointment.

Mr. Granado agreed with Mayor Losner's proposal that vacancies should be filled through elections by the people. He acknowledged election expenses but suggested that consolidating elections with the major cities within Miami-Dade County in odd-numbered years could achieve significant cost savings. Mr. Granado noted that Miami Beach's elections cost approximately $400,000, with runoffs proving even more expensive when not consolidated with other cities. He stated that in odd-numbered years, the major municipalities, Miami, Hialeah, Miami Beach, and Homestead; conducted elections, and noted that a special election could have been held knowing Commissioner Higgins's resignation date, with machines already deployed and programmed, resulting in substantial cost savings for cities and the county.

Commissioner Moss opposed the proposed amendment, stating he did not want to remove the Board's flexibility to make such decisions. He argued that commissioners were elected officials making decisions in the public's best interest, noting that the Board would still need to approve the Task Force's recommendation. Commissioner Moss expressed doubt that this proposal would generate sufficient public support for a ballot initiative requiring 20% of signatures.

Mayor Losner responded that he stood with voters rather than politicians.

Commissioner Moss stated that elected officials came to their positions for various reasons and expressed his inclination to believe they served in the public's interest and pursued what was right. He reiterated his opposition to removing the County Commission's flexibility to determine whether to conduct an election or make an appointment. Commissioner Moss expressed skepticism that the Commission would support the proposal and questioned whether it would generate sufficient community support to meet petition signature requirements.

Ms. Escarra stated she agreed with Commissioner Moss's position but suggested adding language allowing the Commission the option to hold an election in an odd-numbered year if desired, noting potential efficiency particularly in cases like Commissioner Higgins's resignation where jurisdictional coverage facilitated such elections.

Mayor Losner noted that under current charter provisions, the Commission could call an election within 90 days and that nothing precluded calling a special election when a commissioner departed during an odd-numbered year.

Ms. Escarra clarified that her concern involved providing flexibility to conduct elections earlier than 90 days or scheduling them to avoid off-cycle timing, referencing Commissioner Higgins's situation where waiting until after the effective date before calling an election would result in a January or February special election off the regular cycle.

Mayor Losner acknowledged political considerations but noted that some timing issues resulted from statutory requirements imposed on the SOE regarding qualifying and publishing elections. He emphasized that under resign-to-run scenarios, statutory timeframes created challenges. Mayor Losner argued that District 5 residents were subjected to political machinations by officials they could not hold accountable in the next election, as each voter could only hold accountable their single commissioner.
Mayor Pierre sought clarification that under current rules and the election calendar, appointees would serve no more than two years even after an immediate resignation, and under Mayor Losner's proposal, appointees would serve only 12 months with anything longer requiring a special election.

ACA Valdes confirmed Mayor Pierre's understanding, stating that based on the election calendar, no vacancy would have more than two years before a countywide election, making the maximum appointee service approximately 23 months even with immediate resignation after winning election. He confirmed that Mayor Losner's motion would limit appointee service to no more than 12 months, requiring a special election for anything longer.

Ms. Wakefield inquired about current law regarding effective dates of resignations, understanding these occurred within the window from election to when the office holder would enter office.

Mr. Granado stated that while the effective date was known, resignations technically did not take effect until the person actually departed. He explained that Miami Beach addressed this by having the Commission decide whether to appoint or elect once an irrevocable resignation was announced, providing the SOE sufficient time for the next election. Mr. Granado questioned when the Commission could begin taking action, noting that Miami Beach acted upon announcement.

ACA Valdes confirmed that courts had consistently interpreted that vacancies were not created until the actual effective date of resignations, and boards could not take action prior to that date to fill seats prospectively. He explained that rationale existed for this interpretation, including the question of whether soon-to-be-resigned commissioners who remained on the dais should vote on calling special elections while still serving until their resignation became effective. ACA Valdes stated that similar issues existed with appointments, as someone typically could not be appointed until the seat was vacant. He noted that the charter provision for prospective resignations aligned with even-numbered years specified exactly what occurred rather than requiring board decisions, whereas odd-numbered years involved special elections potentially aligned with municipal elections but not elections the county itself was already conducting.

Mr. Granado stated that the question of who votes represented a drafting issue.

ACA Valdes stated he needed guidance so the Task Force could decide how language should be included to avoid creating ambiguity in the charter.

Mr. Granado requested that ACA Valdes draft language for review at the next meeting, proposing that in resign-to-run situations with known irrevocable resignations, the Commission be allowed to appoint or call for a special election prior to the person actually vacating their seat, with the departing individual precluded from voting on whether to appoint or hold an election.

Chairman Kerbel identified two scenarios: one involving known irrevocable resignations with a clearer path where cost considerations could be addressed with SOE guidance at the next meeting, and another involving unforeseen resignations where the issue would become relevant. He clarified that the pending motion addressed unexpected scenarios while a different answer might exist for certain resignations that the charter could specify.

Mayor Losner clarified that the motion under consideration addressed unforeseen vacancies rather than affirmative resignations to run, noting that Homestead's charter bifurcated these as two separate paths. He offered an amendment that the motion apply to unforeseen vacancies.

Chairman Kerbel stated that along with Commissioner Moss's position, he supported providing the Commission with maximum flexibility. He noted that voters had opportunity within the two-year period, likely shorter in practice, to weigh in on representation. Chairman Kerbel emphasized the importance of ensuring district representation as quickly as possible, stating that appointment represented the only method to achieve this and incurred lesser expense. He indicated his voting position on this basis.

ACA Valdes requested direction on motion specifics, noting that while he understood the articulated concept, the charter currently provided options for appointment within 30 days or special election call within 90 days if no appointment occurred. He stated that specifics regarding special election timing and other details needed to be determined either immediately or through work with the motion sponsor.

Mayor Losner amended his motion to require a special election when there was an unforeseen vacancy and the remainder of the term was more than one year. This motion was seconded by Mr. Granado, and upon being put to a vote, failed 4-6 (Chairman Kerbel, Commissioner Moss, Ms. Escarra, Mayor Wagar, Mayor Pierre and Mr. Fernandez voted "no"; Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

Chairman Kerbel noted that the question of mandating elections based on resignation certainty would return as a discussion item, with the SOE requested to send a representative to the next meeting to discuss costs and other relevant issues.

Mayor Losner's third proposed topic involved having the Commission Chairman elected by the countywide electorate. He declined to pursue this issue and stated he would not advance the proposal.

3. BCC CHAIRMAN ELECTED BY THE PEOPLE

Chairman Kerbel noted that Mayor Losner's third topic involved having the Commission Chairman elected by the countywide electorate.

Mayor Losner stated that unless another Task Force member wished to advance the proposal, he would not pursue the issue. He indicated his assessment that the outcome of the previous discussion demonstrated deference to the Commission rather than prioritizing what he viewed as the people's best interests.

V. INTRODUCTORY DISCUSSION LAND USE/RESILIENCE

Chairman Kerbel introduced the topic of sea level rise, resilience, and urban development boundary, noting that staff from the Department of Regulatory and Economic Resources (RER) were present. He stated the purpose was to provide an opportunity for staff to understand what the Task Force wanted to discuss, with earnest consideration planned for the next meeting.

Ms. Escarra stated she was not a fan of land use provisions in charters and noted she had reviewed the Department of Planning - Sections 507 and 508. She identified cleanup items in Section 508, including outdated references to the City of Miami Water and Sewer Department, which the county assumed in the 1970s, and the Water and Sewer Authority. Ms. Escarra requested that staff return with suggestions for updating these sections.

Ms. Kimberly Brown confirmed that the department would review the cleanup items in Section 5.08 previously mentioned.

Mayor Pierre asked whether staff could address how the county applied surcharges to water distribution to different cities within the county, particularly when the water plant was located within city limits and the same water was sold to county residents.

Ms. Brown stated this represented a technical question requiring specific staff from the county's water and sewer department and requested to address the issue at the next meeting.

Chairman Kerbel explained that his purpose in introducing the topic was to develop questions and facilitate a more productive discussion rather than introducing it unexpectedly at the next meeting.

Mayor Pierre sought clarification on whether the discussion addressed land use and resilience as one issue or separately.

Chairman Kerbel explained that he bundled the topics together because the Task Force was limited in what could be done in the charter regarding actual land use regulation. He noted that while there had been specific questions about the urban development boundary, in terms of land policy, resilience and sea level rise represented areas where charter provisions might be more appropriate. Chairman Kerbel stated he combined them because of the limitations on land use regulation itself, though the topics worked together and were meant to be free-flowing discussion.

Chairman Kerbel questioned whether anything could be done consistent with state law regarding the urban development boundary and the charter. He noted the current vote requirement for urban development boundary changes or expansions and stated that while he had doubts about the issue, he wanted to facilitate discussion regardless of his personal views. Chairman Kerbel identified this as a topic for the next meeting and solicited other issues relating to sea level rise, resilience, or land use policy.

Commissioner Moss inquired whether land use and resilience would be the only topics at the next meeting.

Chairman Kerbel stated the Task Force would address Mr. Granado's question and could bring up other topics if desired. He noted his intention to begin discussion of annexation and incorporation in earnest in January or February, identifying it as one of the remaining major topics, and asked whether Commissioner Moss wanted to discuss other matters.

Commissioner Moss stated he raised the question because he was uncertain how much conversation and time would be devoted to land use and resilience given the Task Force's limitations in that area, and he wanted to ensure productive use of time.

Mayor Pierre reminded the County Attorney to research the residency documentation issue.

Chairman Kerbel confirmed that two holdover issues from the structure discussion would return: odd-numbered year special elections and qualification requirements, the latter of which would be added to the first question the Task Force had approved from Mayor Losner's proposal. He stated this would constitute a second sentence addressing qualifications and invited discussion or suggestions for the next meeting.

Ms. Wakefield raised concerns about public notice and awareness of larger land use and resilience issues. She noted that land use decisions tended to be experienced piecemeal by the public and suggested that for issues like the urban development boundary or large-scale resilience matters, better mechanisms should exist for people to understand potential impacts in plain language. Ms. Wakefield proposed that notices could be sent to HOA lists or zones where people could understand what was at stake, noting that county staff produced extensive reports that few people read. She inquired whether there was a value-added approach aimed at average people and whether such improvements had an appropriate role within the charter.

Chairman Kerbel suggested framing it as a charter question regarding whether minimum notice requirements should exist for specific topics and what such notices should contain. He noted that notices appeared appropriate for the charter but questioned the scope and how it would differ from current requirements, since the master plan, as an ordinance, already received standard ordinance notice. Chairman Kerbel asked that staff provide recommendations on whether anything beyond existing ordinance noticing warranted inclusion in the charter.

Commissioner Moss inquired whether regulating certain violations was covered under the charter or under ordinances implemented by the County Commission, providing as an example the ability to cite someone for having a trailer in their yard not being used for appropriate purposes. He asked about limitations regulators faced in verifying illegal property uses and whether this constituted a charter review matter.

Chairman Kerbel indicated that the matter appeared to involve Fourth Amendment constitutional considerations rather than charter or local law issues.

ACA Valdes explained that regarding regulations and prohibited acts and their penalties, the Home Rule Amendment specified these were typically handled by the Board passing ordinances relating to county affairs, property, and government, with suitable penalties for violations. He noted similar powers were provided to the Board under Section 1.01 of the charter for ordinance-based decisions. Regarding investigation processes for violations, ACA Valdes explained that Fourth Amendment constitutional considerations existed under both the U.S. and Florida Constitutions, which provided what he described as a floor of protections. He clarified that while the county charter could provide greater protections, it could not authorize mechanisms below constitutional protections or in violation of Fourth and Fourteenth Amendment protections regarding due process and unreasonable searches and seizures.

Commissioner Moss confirmed that limits existed under the Fourth Amendment.

ACA Valdes confirmed that investigations for code enforcement violations could be governed by Fourth and Fourteenth Amendment protections regarding due process, unreasonable searches and seizures, and various other protections.

Chairman Kerbel stated that the Task Force could not address the matter in the charter to facilitate easier investigation, and that whether they should do so represented a separate question from whether they could.
Ms. Escarra noted that several meetings prior, the Task Force had requested that staff and legal provide a recommendation list for upcoming sections and sought confirmation that this would be received before the topic was addressed.

ACA Valdes confirmed that staff had been working with RER and the County Attorney's office on suggested changes and would be able to present them at the next meeting.

Chairman Kerbel confirmed the next meeting was scheduled for December 1st at 10:00 AM on the 18th floor. He stated the meeting would address land use, resilience, sea level rise, and related topics. Chairman Kerbel noted that he hoped to have better information on forum availability, as regional meetings in the south and west remained pending. He stated that in addition to addressing the two remaining questions and introducing new topics, the Task Force could begin considering annexation and incorporation issues, which he anticipated would generate robust discussion. Chairman Kerbel mentioned considering a western regional meeting in January or February and noted that a southern meeting, possibly in Homestead in January, was being coordinated with the mayor and district commissioner.

Ms. Escarra requested that for the annexation discussion, staff provide a recap of the last three annexation topics that went to voters, including those that passed and failed, with ballot questions to refresh members' memories, similar to information provided for other topics.

Chairman Kerbel stated this information would hopefully be distributed at the next meeting.

VI. COMMENTS/DISCUSSION BY TASK FORCE MEMBERS

A. Clerk's Meeting Minutes

Ms. Escarra moved to approve the October 10, 2025 CRTF minutes. This motion was seconded by Mr. Granado and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

VII. Adjournment

Hearing no other business come before the Charter Review Task Force, the meeting was adjourned at 10:47 am.

Chairman Dennis Kerbel
Charter Review Task Force

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
November 17, 2025

Prepared by: Tomeka Law

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
–	Attachment A: Motions for Consideration

ATTACHMENT A:
MOTIONS FOR CONSIDERATION

Item A: Kerbel – Digital Publication

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~~]] >>in any manner authorized by state law for publication of legally required advertisements and public notices<< 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~~]] >>any manner authorized by state law for publication of legally required advertisements and public notices<<.

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.

Item B: Kerbel – Virtual Meetings

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. >>Nothing herein shall prohibit members of the Commission from establishing their presence for purposes of quorum, or otherwise participating in meetings, by electronic means to the extent consistent with state law.<<

Item C: Kerbel – Reciting Titles on Record

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 >>or other identifying information, such as a unique legislative number,<< 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.

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force (CRTF)

Stephen P. Clark Building 111 NW 1st Street, Miami, FL 33128
December 1, 2025
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Zorana Milton, Commission Reporter
(305) 375-3750

2024 V1

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
DECEMBER 1, 2025

The Miami-Dade Charter Review Task Force (CRTF) convened a meeting at the Stephen P. Clark Building, 111 NW 1st Street, Conference Room 18-3, Miami, Florida 33128, on December 1, 2025, at 10:30 a.m.

I. Roll Call

Prior to the roll call, Deputy Clerk Zorana Milton announced that Ms. Stephanie V. Daniels, Mr. Rafael E. Granado and Vice Chairman Michael D. Redondo were excused from today's meeting.

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;
- Mayor Steven D. Losner;
- Mayor Andre D. Pierre;
- Ms. Rebecca Wakefield;
- Former Miami-Dade Commissioner Dennis C. Moss; and
- Chairman Dennis A. Kerbel

Mayor Crystal Wagar arrived at 11:21 a.m.

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

- Assistant County Attorneys (ACA) Mr. Michael Valdez and Sophia Guzzo;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Mr. Roy Coley, Chief Utilities and Regulatory Services Officer, Office of the Mayor;
- Mr. Oren Rosenthal, Attorney, Supervisor of Elections (SOE);
- Ms. Kimberly Brown, Chief, Planning Division, Department of Regulatory and Economic Resources (RER); and
- Ms. Zorana Milton, Deputy Clerk, Clerk of the Board

II. Pledge of Allegiance

Chairman Dennis A. Kerbel led the Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

Chairman Kerbel opened the reasonable opportunity for the public to be heard and the following individuals came forward to speak:

Ms. Michelle Niemeyer, 244 Biscayne Boulevard, Miami, Florida, addressed the Task Force regarding the Board of County Commissioners' (Board) decision to appoint someone to fill District 5's vacant commission seat without holding an election; District 5 Commission seat was formerly held by Commissioner Higgins, who resigned to run for Mayor of the City of Miami. Ms. Niemeyer requested that the decision to appoint, rather than call a special election, be reconsidered. She expressed concern that within a five-year span, District 5 had three appointed commissioners, and stated that residents should have the right to choose their representative. Ms. Niemeyer further asked the Task Force to consider measures ensuring that commissioners are required to resign before running for another office. She noted that Commissioner Higgins was able to resign yet remain in office until the election date, and questioned whether a commissioner could effectively perform their duties while campaigning at the same time.

Mr. Joe Sanchez, 1684 SW 17th Terrace, Miami, Florida, requested that the Task Force focus on the requirements for elected officials who resign to run for another office and ensure that residents are given the opportunity to vote. He expressed concern that multiple commissioners had been appointed to represent District 5 over the past five years and noted that the CRTF had the ability to review this matter and help ensure a fair process. Mr. Sanchez stated that appointed officials held a significant advantage over other candidates.

Mr. Billy Corbin stated that he was a lifelong resident of Miami-Dade County and expressed concern about the Board appointing, rather than electing, someone to fill the vacant District 5 commission seat. He explained that, to avoid a citizen-led petition drive to ban appointments and require special elections, he was requesting that the CRTF reconsider its position on appointing elected officials. He further suggested that, unless an emergency required an appointment, such decisions should require either a unanimous vote or a super-majority vote of the sitting commissioners, rather than a simple majority.

Mr. Thomas Kennedy, 6601 NW 1st Place, Miami, Florida, agreed with the comments made by previous speakers regarding the appointment of commissioners rather than holding an election. He expressed concern that residents were not being given the opportunity to vote for the individual they wished to represent their district. Mr. Kennedy further noted his concern that the Commission cited a lack of funding to hold an election, yet the County had allocated substantial funds to host the Fédération Internationale de Football Association (FIFA) World Cup event.

Miami-Dade County Commissioner Oliver Gilbert III (District 1), 17988 NW 27th Avenue, Miami Gardens, Florida, spoke regarding the Water and Sewer Department (WASD) service areas. He suggested that any action taken by the CRTF should work to standardize policies rather than create inconsistencies. He expressed concern that various municipalities were able to charge any fee they chose for water service, even though they purchased the water wholesale from Miami-Dade County at a fixed price.

Commissioner Gilbert III noted that water was a necessity and that public utilities were granted the right to operate; however, because the water supply came from an aquifer and service areas effectively

created monopolies, the County had not imposed sufficient restrictions. He encouraged the CRTF to review and regulate this issue, noting that disparities among jurisdictions could result in some residents paying significantly more for essential services.

Regarding the Board's practice of appointing individuals to vacant commission seats rather than holding an election, Commissioner Gilbert III clarified that the appointment structure was based on the State of Florida's framework for filling vacancies and was not created by the Board. He noted that if this structure were to be changed, it should be changed uniformly at the state level, not solely for the County. He further stated that Commissioner Eileen Higgins worked until her final day in office and emphasized that her work ethic should not be impugned, as she recognized the importance of avoiding gaps in service and leadership.

Seeing no one else come forward, Chairman Kerbel closed the reasonable opportunity to be heard.

IV. Continuation of Discussion on the Structure of County Government

A. Response Related to Qualifying for Election to County Commission
B. Response Related to Timing of Vacancy and Subsequent Election

Mayor Pierre inquired whether the requirement was solely a State of Florida statute or if Miami-Dade County had similar ordinances. He sought clarification regarding the Florida statute, the various processes related to resign-to-run, and the ways in which an elected official could resign to seek another office. Additionally, he questioned whether the CRTF or the Board had the authority to amend the statute, noting that several speakers had suggested making changes.

ACA Valdez clarified that the resign-to-run requirement was exclusively a State statute and that the process was governed entirely by State law. He explained that the statute prohibited an elected official from qualifying for another office while still holding their current office, unless an irrevocable resignation was submitted at least ten days before the qualifying period for the new office. He noted that the resignation could be prospective, meaning the effective date could be delayed, but it had to take effect before the new term began.

Regarding the possibility of amending the statute, ACA Valdez stated that Miami-Dade County could not modify State law through its Charter. He explained that, under the Home Rule Amendment of the Florida Constitution, Miami-Dade County had certain unique powers, including broader authority over the method of electing county commissioners. However, even within that authority, the County was still required to operate within the confines of State law. He pointed out that while the County could impose additional restrictions or regulations, it could not overrule or override State statutory requirements.

Responding to Mayor Pierre's inquiry about whether any of the 67 counties in the State of Florida were required to hold elections, ACA Valdez clarified that Miami-Dade County was the only county with a unique structure regarding the method of electing county commissioners. He explained that in all other 66 counties, any vacancy was filled through a gubernatorial appointment.

Chairman Kerbel recapped the discussion from the previous CRTF meeting regarding the timing of vacancies and subsequent elections. He noted that the discussion had been divided into two parts. The

first concerned unexpected vacancies; during that meeting, the Trust decided not to amend the Charter to address such situations, but the matter had been left open for further discussion at today's (12/01) meeting.

The second part of the discussion focused on predictable vacancies and whether an election to fill the seat could be automatically scheduled, similar to the current Charter provision that places vacancies on the ballot during even-numbered years, when a countywide general election is already scheduled. He stated that the remaining question for the Supervisor of Elections was whether a comparable process could be implemented for elections held in odd-numbered years.

Mr. Oren Rosenthal appeared before the Trust and explained that there was no single solution to the issue because Miami-Dade County's municipal and county election systems were uniquely structured. He noted that when the Board last amended the charter in 2020, they addressed prospective resignations by allowing the affected seat to be treated as expiring prior to a countywide primary or general election. This approach aligned with the intent of former state statute 99.012 (resign-to-run). However, he emphasized that this model could not be applied in every situation, particularly when no countywide election was scheduled.

Mr. Rosenthal stated that municipal election rules varied widely among Miami-Dade's municipalities, resulting in different timelines, qualifications, costs, and preparations. Because of these differences, a uniform policy for aligning county and municipal elections was not feasible. He added that potential cost savings from conducting elections concurrently were uncertain and could fall to either the county or the municipality, depending on how the election was structured.

He further warned that aligning municipal and county elections could produce unintended consequences. For example, charter provisions and municipal codes established strict deadlines for qualifying candidates and preparing ballots; a standardized approach could make it impossible for either the municipal or county election to proceed as required. He also noted that questions could arise regarding whether a commissioner who had submitted a prospective resignation would have a conflict of interest when voting on the timing of a special election.

Mr. Rosenthal acknowledged that there was no simple solution but stated that the Trust had flexibility in crafting recommendations. He suggested that the Trust could recommend allowing the Board, in cases of prospective resignation, to work with the Supervisor of Elections (SOE) to determine whether a concurrent municipal election could be used to fill the vacancy, thus permitting the BCC to call the election prospectively rather than only after the vacancy occurred.

He cautioned, however, that any recommendation requiring the newly elected official to take office simultaneously with the outgoing official's prospective resignation could create conflicts. In some cases, the charter required the winner of an initial election to assume office before a runoff occurred, while the prospective resignation would take effect only after the runoff. This could result in two individuals holding rights to the same office, potentially triggering litigation. Mr. Rosenthal concluded by outlining additional considerations the Task Force should evaluate before making recommendations to the Board.

In response to Mr. Erick Eikenberg's inquiry about the cost of holding a special election to fill a vacant county commission seat, Mr. Rosenthal explained that the estimated cost was approximately $1.2 million

for a District 5 election. He noted that this estimate accounted for the printing of ballots, staffing early voting sites and polling places, processing mail ballots, and the man-hours required to administer the election.

Discussion ensued between Mr. Eikenberg and Mr. Rosenthal regarding how Congress fills vacant seats, including the applicable time frames and the length of time a seat may remain vacant, as compared to the County's process and timeline for filling a vacancy through an election versus an appointment.

Mr. Rosenthal clarified that the State statute provided flexibility, depending on when a vacancy occurs, to shorten certain time periods, particularly when attempting to conduct an election so that the seat is filled prior to a legislative session. He further explained that, with respect to MDC and its Charter, an appointment must be made within 30 days; if no appointment is made, an election must be held within 90 days, followed by a runoff election within 30 days. He emphasized that the seat would not remain vacant for eight months and noted that, if filled by appointment, the seat would be up for election at the next countywide election.

Mr. Jose Jimenez raised the issue of coordinating municipal and county elections and questioned whether preemption by the State of Florida to align all municipal elections would resolve the issue.

In response, Mr. Rosenthal explained that such preemption would address the root cause of the problem rather than merely the symptoms, noting that holding municipal elections at separate times created the issue. He stated that if all municipal elections were held in even-numbered years during the primary and general elections, costs for municipalities would be significantly lower, voter turnout would be higher, and the issue would not arise. He further noted that the existing Charter provision allowed a term to be treated as if it had otherwise expired, making the election automatic and eliminating the need for ambiguity regarding what could or could not be done during a municipal election.

Mr. Jimenez clarified that he was not suggesting that MDC coordinate its elections with municipal elections. He stated that there had been discussions among legislators in Tallahassee on this matter and that his inquiry was focused on the possibility of state preemption of municipal elections.

Mr. Rosenthal suggested, as a potential or alternative solution, that once the municipal analysis was received, it should be reviewed to determine whether the aforementioned suggestion should be presented to the voters.

Chairman Kerbel asked whether, in order to avoid a "one size fits all" approach, the Charter would need to be amended to grant the County Commission the authority to adopt an ordinance establishing such a process.

In response, ACA Valdez explained that one option would be to provide the Board with the authority to call an election in coordination with the Supervisor of Elections. He described the challenges associated with a "one size fits all" approach, noting that under the current Charter, the election is automatically triggered and scheduled to occur within a specified timeframe. He cited the most recent election involving the four largest municipalities, Hialeah, Homestead, Miami, and Miami Beach, all of which held elections on November 4, 2025, but had different candidate qualifying periods. As a result, candidates holding office would have been required to resign at different points in the process.

ACA Valdez reviewed the varying qualifying dates for each municipality and explained that complications could arise if a municipality selected a qualifying period that was in close proximity to the election date. In such circumstances, if the Board were required to act within a specific timeframe, there might not be sufficient time to call and properly coordinate the election with other municipal elections. He provided additional details regarding why a uniform approach could prove difficult and highlighted the challenges associated with synchronizing county and municipal elections.

Additionally, ACA Valdez advised that an amendment to the Charter would be necessary to authorize such action.

Following further discussion regarding synchronizing municipal and county elections and the potential issues that such alignment could present, ACA Valdez clarified that the Charter could be amended. He explained that the Home Rule Charter and the Florida Constitution grant Miami-Dade County unique authority, including authority related to the method by which municipalities may amend their charters. Accordingly, if the Board were to amend a municipal charter by changing election dates, Miami-Dade's Charter would need to clearly and specifically authorize that action. He emphasized that the change could not merely appear to be accomplished by ordinance, but instead must expressly reflect that the amendment of the municipal charter was authorized, as this authority is one of the exclusive powers set forth in Miami-Dade's Charter.

Former Miami-Dade Commissioner Dennis Moss expressed concern that imposing the Board's will on municipal governments by requiring them to amend their charters to change election dates was problematic and constituted an overreach. He asked ACA Valdez to explain the process used throughout the State of Florida to fill vacant commission seats and to clarify whether the Governor of Florida had the authority to call an election to fill a vacant commission seat.

Responding to Mr. Moss' comments, ACA Valdez explained that, by virtue of the Home Rule Amendment, the Board was able to establish methods for the election of county commissioners that distinguished Miami-Dade County from state law. He noted that the other 66 counties in Florida did not have this authority; therefore, in those counties, the manner in which county commissioners were elected or appointed, and how vacancies were filled, was governed uniformly by the Florida Constitution and state law.

ACA Valdez referenced Florida State Statute Chapter 114.04, which provides that the Governor of Florida fill vacancies in state, district, or county offices, other than seats in the State Legislature, by appointment. He further explained that, in Florida's other 66 counties, a vacancy on a county commission is filled by gubernatorial appointment. Only in Miami-Dade County are vacancies filled by action of the Board, either by calling an election or making an appointment.

Responding to Ms. Iris Escarra's inquiry regarding whether the Task force could make a recommendation that the qualifying dates for municipal elections occur on a consistent date with the county and all other municipal cities. Mr. Rosental advised that the trust could make a recommendation that provided that the qualifying dates be no sooner than a certain number of days prior to an election. However, this could prove difficult and problematic because all of Miami-Dade county's municipalities have different qualifying and election dates. Additionally, Mr. Rosenthal stated that the Task force could consider a

qualification window, similar to the one in the county's charter, but suggested weighing the policy choice of whether or not that would be considered a heavy-handed approach to this county issue.

Responding to Ms. Iris Escarra's inquiry regarding whether the Task Force could recommend that qualifying dates for municipal elections be standardized to coincide with county and other municipal elections, Mr. Rosenthal advised that the Task Force could make a recommendation requiring that qualifying dates occur no sooner than a specified number of days prior to an election. He cautioned, however, that such a recommendation could be difficult and problematic, as municipalities throughout Miami-Dade County currently had differing qualifying periods and election dates.

Mr. Rosenthal further stated that the Task Force could consider establishing a qualification window similar to the one set forth in the county's charter, but he advised weighing the policy implications of whether such an approach might be considered overly heavy-handed in addressing this countywide issue.

Subsequently, Chairman Kerbel asked whether the Charter could be amended to authorize the Board to effectively prohibit late qualifying periods. In response, ACA Valdez stated that he would need to review how qualifying dates were addressed in municipal charters, noting that changing municipal qualifying dates could constitute an amendment to those municipalities' charters.

ACA Valdez cautioned Trust members that altering municipal qualifying dates could give rise to potential litigation, particularly due to issues such as changes to resignation-to-run requirements, the need to provide adequate notice to prospective candidates that qualifying dates had been modified, or the risk of excluding individuals who had planned to run based on previously established qualifying periods. He requested additional time to review the recommendation and to identify any unintended consequences associated with the Board's amending qualifying dates.

Following further discussion regarding the possibility of changing qualifying dates, Mayor Losner expressed concern that the issue was becoming overly complicated and stated that he was uncomfortable with altering the qualifying dates of municipal elections. He pointed out that the larger issue here was that under the current charter, the Board did not have the ability to set an election until after the vacancy actually occurred. Mayor Losner inquired if this were to move forward, would this be the best way to amend the charter.

Mayor Losner expressed concerned that the issue of amending municipal election dates was being complicated. He noted that the core issue revolved around the setting election dates for Board vacancies, which is currently restricted by the County's charter because it does not allow the Board to set the election date until a vacancy occurs, leaving only 75-90 days to coordinate, advertise, and conduct a special election. To address this issue, Mayor Losner proposed amending the charter that upon receipt of an irrevocable resignation, the Board could immediately set the election date, allowing the SOE sufficient time to organize and include the special election on the ballot.

ACA Valdez responded to Mayor Losner's comments and explained that the Charter could potentially be amended to allow elections to be synchronized by taking action upon the submission of a resignation, rather than waiting until the resignation's effective date.

ACA Valdes confirmed that Mayor Losner's proposed solution, amending the charter to allow the Board to act upon the submission of the resignation rather than waiting for its effective date, could effectively synchronize the election process.

Chairman Kerbel agreed with ACA Valdez's suggestion, in addition to amending the charter by moving up the qualifying period to allow sufficient time to synchronize elections and streamline the process for filling vacancies.

ACA Valdez outlined the qualifying dates for the four major cities within Miami-Dade County with the City of Miami having the latest qualifying period of September 5th through September 20th.

Mayor Losner stated that given the late September qualifying date, the Supervisor of Elections could print the ballots and conduct elections, including early voting within the necessary timeframe.

Mr. Rosenthal pointed out that the success of Mayor Losner's proposal largely depended on the number of voters participating in the election, as managing election timing and programming was a significantly simpler for smaller municipalities with tens of thousands of voters to larger districts with hundreds of thousands. He made several suggestions that included giving authority to the Board to set the qualification period to match election timing and setting the time to take office on the officer's resignation date, eliminating the "resign to run" issue.

Mr. Rosenthal identified the main challenge as run-off elections because it would be conducted within one week for smaller cities, three weeks for larger municipalities, and up to 30 days for countywide elections. He recommended the Board the flexibility to set qualifying dates, synchronizing elections to prevent confusion from multiple vote by mail ballots.

Mr. Jack Freedman of the League of Cities agreed that municipality charters were complex because municipalities frequently modified its qualifying dates via charter amendments, the SOE was responsible for establishing qualifying and election dates for special elections rather than these being directly coordinated by the municipalities.

Mr. Robert Fernandez, with his experience in elections law litigation, noted that the Task Force's desires was to move away from Board appointments and suggested making appointments more difficult by requiring a supermajority of the remaining commissioners, rather than amending the charter regarding special elections, which involves various complex considerations.

Ms. Rebecca Wakefield agreed with Mr. Fernandez and proposed stricter appointment requirements by requiring a voluntary pledge from the appointed Commissioner not to seek election for the seat to which they were appointed. She noted that this proposal would reduce the incumbent advantage in a subsequent special election.

Mr. Jose Jiminez recalled instances within other municipalities that attempted to use the pledge to prevent an incumbency advantage and had been advised by the attorneys that the person cannot be held to that pledge. He suggested establishing an objective qualification requirement, much like a residency requirement, rather than relying on voluntary pledges that could be deemed unenforceable.

Chairman Kerbel questioned the legality of imposing a condition of appointment that would prevent an appointee from qualifying for the next election of that seat. He suggested that these three components, appointment conditions, qualification timing, and election scheduling be combined into a clear legal question, directing the attorneys to review the concepts, draft a legal opinion and bring their findings back to the Task Force for further discussion.

ACA Valdez noted that the Task Force had previously discussed a duration of residency requirement and suggested that, under home rule powers that govern the method of election, incorporating a condition of appointment could be permissible. He expressed that further research of this topic would focus on identifying other jurisdictions where similar qualifications have been implemented, assessing the legality, practicality and enforcement of such a requirement to determine if this approach is a viable option for consideration.

Mr. Jiminez raised concerns about amending election dates was a political issue and should only be addressed through a referendum or preemption by the state. He clarified that amending the qualifying dates was reasonable and non-political given it could be based on treating an irrevocable resignation as the official vacancy date without forcing municipalities to modify its election dates.

Chairman Kerbel suggested that the qualifying date should be "no later than" a certain date, proposing July as a potential cutoff, with ACA Valdez agreeing with this approach.

Mr. Jiminez noted that setting a "no later than" date could solve the issues currently facing elections, to which Chairman Kerbel asked Mr. Rosenthal to confirm this was a potential resolution.

Mr. Rosenthal recommended following the current charter's approach for qualifying dates, which provided a range within which dates should occur, suggesting that the last qualifying date could be set as "no earlier than" a certain date. He proposed amending the term limit provisions to apply to full four-year term and appointed term, restricting appointed commissioners to only serve their appointed term plus one additional term which would reduce incumbency advantages.

Chairman Kerbel clarified that the agreed-upon term limit provision is three terms in a lifetime, not necessarily consecutive, and outlined two possible options: 1) pledging not to run for election again, or 2) considering time served as an appointee as one full term, allowing only two additional terms.

Commissioner Moss discussed the appointment procedures within other Florida municipalities including the Miami Gardens, Miami and Homestead.

ACA Valdez noted that the way in which many vacancies were filled was outlined by the charter provisions of the municipality. Upon reviewing the Governor's Power of Appointments, he indicated that the governor's power to appoint was extended to state, county and judicial offices and found no similar language as it related to municipalities.

Commissioner Gilbert III clarified that Miami Gardens mirrored Miami-Dade County in that appointments were made by the city council with the appointee running in the next general election. He explained to Mayor Pierre that if a vacancy occurred with three and a half years of the remaining term, the appointee would serve until August where they would run for re-election to serve the remainder of that term, unless the term was expiring. Responding to Chairman Kerbel's inquiry, Commissioner Gilbert

III confirmed that Miami Gardens' charter included a provision to hold special elections, which mirrored that of Miami-Dade County.

Ms. Escarra mentioned that the City of Miami (Miami) handled vacancies the same as the City of Miami Gardens (Miami Gardens). She reiterated that the City Council had the option to appoint, same as Miami Gardens, the City Council could appoint or hold a special election if an appointment was not made within the specified timeframe outlined in the city charter.

Mayor Losner referenced the City of Homestead's (Homestead) stating that a special election must take place if more than one year is remaining in the term and the mayor can appoint, with the City Council's approval, if the less than one year. He questioned whether the Task Force would limit the Board's power thereby proposing that a special election is held for vacancies with more than one year remaining in the term and allowing appointments for those with less than one year remaining in the term.

In response to Chairman Kerbel's inquiry whether the suggestions could be applied to unexpected vacancies, Mr. Rosenthal explained that if a vacancy occurred due to a candidate resigning to run, the special election could be synced with the next available election rather than holding a separate election within the same time-frame.

Chairman Kerbel clarified that prohibiting appointed commissioners from running in the next election would address incumbency concerns, regardless of how or why the appointment occurred.

Ms. Escarra moved that the County Attorney's Office study two items: (1) establishing consistency in qualifying dates; and (2) allowing the County Commission to act upon receipt of an irrevocable resignation rather than when it becomes effective. Mr. Jimenez seconded the motion; and proposed a friendly amendment to add a third item: (3) prohibiting appointees from qualifying for the subsequent election. Ms. Escarra accepted the friendly amendment, and upon being put to a vote, passed 10-1 (Commissioner Moss voted no; Ms. Daniels, Mr. Granado, Mr. Redondo and Ms. Dieguez were absent).

ACA Valdez confirmed these three items would be prepared independently and in consultation with the SOE office, with Ms. Escarra designated as the point person for any clarifications.

Commissioner Gilbert III corrected his previous comments by explaining that in Miami Gardens, if a vacancy occurred with more than six (6) months remaining in the term, the mayor shall nominate, and the council must appoint within 90 days. He further explained that if the council could not agree on an appointment, the city would hold an election to fill vacancy.

Mr. Eikenberg moved that the County Attorney's Office study a scenario wherein appointments were eliminated from the charter and all vacancies were filled by special election, regardless of the time remaining in the term. Mayor Pierre seconded the motion and upon being put to a vote, passed by 11-0 (Ms. Daniels, Mr. Granado, Mr. Redondo and Ms. Dieguez were absent).

Later during the meeting, Chairman Kerbel introduced Ms. Kimberly Brown to add additional comments.

With respect to residency requirements for elections, Ms. Brown explained that the County's Planning Division, which supports redistricting efforts, faced logistical challenges in extending residency requirements from six months to one year. She noted that the timing of receiving redistricting data from

the federal government, typically in August, and the requirement to adopt new boundaries by December made such an extension difficult. She further explained that extending the residency period would complicate the process during election years following a census, as candidates must qualify 70 days prior to the election. Chairman Kerbel noted that the Board would consider this information, but the task force was unlikely to revisit its recommendation.

V. New Topic: Continuation of Discussion on Land Use/Resilience

A. Response Related to County Water & Sewer Department Services Areas

Chairman Kerbel requested Mr. Roy Coley to explain how service area issues were handled concerning water services provided by municipalities outside of their municipal boundaries.

Mr. Coley explained that within Miami-Dade County there were multiple water and sewer utility providers and that, historically, municipalities agreed upon designated service areas. He reported that when a municipality lacked the capacity to serve its designated area, service rights were transferred to a neighboring utility that was capable of providing service. Mr. Coley stated that current service rights were based on this longstanding framework and noted that state law authorized a municipality to charge up to 25% for providing services to customers located outside its municipal boundaries.

In response to Mr. Kerbel's inquiry, Mr. Coley clarified that the 25% surcharge was applied in addition to the rate paid by customers within the municipal boundaries. Chairman Kerbel then questioned whether the 25% surcharge was an issue that could be addressed through the charter.

ACA Valdez indicated that addressing matters already established by state law was more challenging. He explained that the County had authority under the charter to establish minimum standards or regulate services, and that this could be accomplished through charter amendments allowing for the takeover of municipal services if those standards were not met.

At Chairman Kerbel's request, Commissioner Oliver Gilbert III explained that, under the current County Charter, the County could regulate minimum service standards; however, regulation beyond that authority was governed by state law. He noted that state law required municipalities providing services outside their boundaries to have agreements in place. Commissioner Gilbert III stated that, historically, the 25% surcharge was based on the expectation that municipalities would incur additional costs when serving areas outside their boundaries and allowed cities to recoup some of those expenses.

Commissioner Gilbert III emphasized that surcharges applied to arbitrarily determined service areas increased over time without adequate controls, resulting in disparities. He explained that the proposed ordinance, which was later adopted, required transparency and Interlocal agreements for such charges, while clarifying that the County itself did not impose and could not impose surcharges. Commissioner Gilbert III further stated that the County's Charter was expansive and cautioned additional regulations could conflict with the authority of the Board to protect customers from excessive charges.

Mayor Pierre inquired whether Miami-Dade County charged a 25 % surcharge to municipalities that purchased water from the County, and whether those municipalities then passed the surcharge on to

residents in unincorporated Miami-Dade County. He highlighted concerns regarding the disparate impact of the surcharge on different communities.

Mr. Coley explained that Miami-Dade County's wholesale customers were primarily municipalities that purchased water from the County. He stated that, under the agreements between the County and the cities, the County charged only the actual cost of production, with no profit included. Mr. Coley further explained that the rate of $2.40 per 1,000 gallons was calculated by an independent third-party consultant who evaluated production costs and established the wholesale rate, which most municipalities then marked up when billing their customers.

Mr. Coley explained that most municipalities, such as Miami Beach, purchased water from Miami-Dade County primarily to serve their own residents and, in emergency situations, might assist neighboring cities. He noted, however, that in some unincorporated communities adjacent to municipal boundaries where County utility services were not available, residents received service through a neighboring city. In those circumstances, he explained that the city was permitted to apply the 25 percent surcharge to residents receiving service, regardless of whether they lived inside or outside the city's municipal boundaries.

Mr. Coley clarified that while a municipality had the legal authority to impose a surcharge of up to 25%, it was not required to do so. He explained that the statute merely permitted municipalities to apply the surcharge at their discretion, and that any revenue collected from the surcharge, remained with the municipality and was not remitted to Miami-Dade County.

Commissioner Dennis C. Moss inquired whether there were any limitations on the surcharges municipalities could impose and whether Miami-Dade County would intervene and assume control of infrastructure in instances where a municipality was unable to provide services to its residents.

Mr. Coley stated that the County had assumed control of a municipality's infrastructure when the municipality ceased local operations and opted to join the regional system, which consolidated 40 smaller utilities. He explained that an appraisal of the municipality's assets was conducted, after which the County compensated the municipality for the value of its system and began providing services to its residents.

Commissioner Oliver Gilbert III emphasized that nothing in the state statute specified how water rates were calculated. He explained that the County sold water at a base rate, and municipalities then applied their own markups, including a 25% surcharge on the rate they set, which was intended to reflect actual costs plus infrastructure and other expenses. Commissioner Gilbert III noted that the 25% surcharge was often deposited into city general funds rather than being used to support water production, particularly in municipalities such as North Miami Beach. He described this practice as a "grift," stating that it allowed cities to charge residents significantly more without proper oversight, creating an inequitable system for residents relying on a basic necessity. He stressed that the County neither supported nor benefited from this surcharge and noted that the arrangement permitted cities to generate revenue for their general funds under the guise of water service charges, contrary to the intent of the County's charter.

Chairman Kerbel asked whether the County could impose additional qualifications or restrictions on the 25% surcharge. He suggested that the minimum standards could potentially include requirements specifying that the surcharge meet certain criteria or fee standards, which might help regulate or limit how municipalities applied these surcharges.

ACA Valdez explained that the 25% surcharge was dictated by state law, which complicated legal matters because it was considered a fee for services rather than a tax, and therefore did not require a rational nexus between the fee charged and the services received. He noted that the state statute assumed that providing services outside city boundaries incurred greater costs and required the system to be self-sustaining. ACA Valdez further explained that the County's charter provided authority to establish minimum standards, and failure to meet those standards could result in consequences, including the County taking over the service if issues were not remedied or initiating referendums for municipalities to turn over services if standards were not met.

Mayor Wagner questioned how the current discussions regarding surcharges aligned with the existing statute and whether an ordinance addressing the matter was already in effect. She requested clarification as to whether a review or amendment of the County Charter was necessary if a valid ordinance had previously been adopted, and sought to determine whether any additional changes were required.

ACA Valdez explained that the ordinance referenced by Commissioner Gilbert III established a minimum standard, requiring municipalities that imposed a surcharge to provide proof of their agreements with the County, thereby ensuring compliance with specified conditions, including reinvestment of surcharge revenues into the water system or demonstration that ratepayers had consented to the terms. He noted that compliance could be demonstrated through the submission of the agreement itself or through financial records that evidence the proper use of the funds. He further stated that the County's authority to enforce these standards already existed under the minimum standards provision of the Charter, and therefore no Charter amendments were necessary, as transparency and accountability could be enforced through existing regulations.

Commissioner Gilbert III responded to Senator Catalyud's inquiry regarding his suggestion that the CRTF should not consider additional structure and instead leave the framework as is. He stated that the County Charter did not need to be amended to address the surcharge due to the constraints of State law; however, he agreed with Chairman Kerbel that the fee could be more clearly defined in relation to the services provided. He advised that the Board had elected not to impose additional restrictions and was instead focused on ensuring transparency. He emphasized that most water providers partnering with the County were effectively serving residents and businesses, with only a limited number of outliers that were being brought into compliance. Commissioner Gilbert III further noted that while overregulation was not desired, the County had an obligation to protect residents' access to water, recognizing it as an essential necessity.

Mr. Eikenberg inquired whether Miami-Dade County purchased water from the C51 Reservoir in Palm Beach County or from the Biscayne Aquifer, and asked whether the additional 20 million gallons of capacity was related to the project itself or to a consumptive use permit. He reiterated that Dade County had invested $10 million in the construction of the C51 Reservoir and questioned whether this

investment resulted in an increased consumptive use permit from the Biscayne Aquifer, or whether the County was instead purchasing water from the reservoir in Palm Beach County.

Mr. Coley explained that Miami-Dade County's $10 million investment in the C51 Reservoir was justified by an increase in the County's consumptive use permit, allowing the County to withdraw up to 20 million gallons of water per day based on recharge of the aquifer by C51 or R51 Reservoir. He stated that this investment effectively increased the County's withdrawal capacity from the Biscayne Aquifer at no additional cost. He further emphasized that the return on investment would be substantial, as it eliminated the need to develop an alternative water supply to meet the increased consumption limits, resulting in significant cost savings.

Commissioner Moss raised concerns regarding the impact of Artificial Intelligence (AI) related facilities on Miami-Dade County's water resources, questioning how the construction and operation of such facilities could result in increased water consumption. He inquired about the measures or strategies in place to manage or mitigate their impact on water availability, and emphasized the importance of monitoring and addressing the potential strain on resources associated with extended water use by these facilities.

Mr. Coley highlighted that the water utility had historically operated on outdated systems, but was currently undergoing a technological refresh that incorporated advanced information technology solutions, including automated water quality, volumetric, and pressure monitoring, to improve operational efficiency. He further emphasized that residents of Miami-Dade County historically used significantly more water than residents anywhere else in the country, averaging approximately 130 gallons per person per day compared to the national average of 75 gallons. He noted, however, that water usage had improved over the past five years as a result of the County's water conservation initiatives.

Ms. Niemeyer emphasized that water was a finite resource that must be carefully allocated and protected. She expressed concern that the substantial water consumption of data centers, including those supporting AI operations, posed significant challenges, particularly given their reliance on public water resources for cooling. She stated that Commissioner Moss was seeking to raise awareness of these concerns by referencing data centers, such as a facility in Indianapolis that was halted due to water usage of approximately one million gallons per day, and noted that the construction of such facilities could impose significant costs on residents.

Ms. Niemeyer suggested that the issue warranted consideration within the County Charter due to its potential impact over the next two to five years. She questioned whether the County had sufficient water resources to support these high-demand operations and for how long. She further inquired whether the County differentiated between residential and commercial water use, and whether data centers or similar facilities should be required to implement their own water management solutions or pay substantial surcharges. She concluded that the central issue was the County's capacity to sustainably support such high-demand operations over the long term, emphasizing the need to evaluate water availability and overall viability.

Commissioner Moss emphasized that data centers constituted a national issue and were often located in minority communities, where their impacts were disproportionately felt. He stated that such facilities placed significant strain on local resources and adversely affected residents. He suggested that the County Charter could serve as a mechanism to address these concerns, and questioned why data centers were not charged at a different rate or scale than residential users, given their substantial water consumption. Commissioner Moss noted that the excessive water usage by these facilities further stressed already limited water resources and negatively impacted the surrounding communities.

Chairman Kerbel noted that the County had limited staff and resources and suggested that the County's attorneys might be able to provide recommendations for addressing resilience concerns related to data centers. He indicated that this could potentially include a review of the State's consumptive use permitting process and rate-setting authority. He also acknowledged that the County Charter imposed limitations on the actions that could be taken to address this issue.

Mr. Coley clarified that the State Water Management District, not Miami-Dade County, was responsible for managing consumptive use permits. He emphasized that the County served as a facilitator for a water reuse project in which 300 million gallons of wastewater were treated and converted into industrial cooling water. He noted that the continued efficiency of this project positioned the County as the single largest user of industrial coolant derived from wastewater on the eastern seaboard, thereby alleviating pressure on the drinking water supply.

Mr. Eikenberg highlighted Miami-Dade County Mayor Levine Cava's support for the Everglades Restoration, the key project that recharges the aquifer relied upon daily. He expressed gratitude for the millions of dollars allocated by the federal and State governments to various projects aimed at increasing and improving the water supply and extended thanks to Mayor Cava for her leadership on the issue.

Mr. Coley added that Mayor Levine Cava's administration had completed $2.7 billion in water and sewer infrastructure improvements. He noted that water resources remained a priority and that the administration would continue to invest at that level.

Regarding Mayor Pierre's question about what documentation was needed to prove residency, ACA Valdez explained that candidates were only required to demonstrate that they had been registered voters for at least one year prior to qualification. This could be verified through voter registration records and a statement of residency, and no additional documentation was required.

B. Regulatory and Economic Resources Department (RER) Staff Recommendations

Chairman Kerbel introduced the topic of land use and resilience and invited Ms. Kim Brown to present the staff's recommendations on the matter.

Ms. Brown shared that there had been discussions about improving public engagement by expanding notification methods beyond newspapers, making land use reports more user-friendly, and increasing avenues for residents to receive updates on land use amendments. However, no specific charter amendments beyond the current discussions were identified.

VI. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes

Mr. Fernandez moved that the Charter Review Task Force approve the October 27, 2025 minutes. This motion was seconded by Mayor Pierre, and upon being put to a vote, passed 10-0 (Senator Calatayud, Ms. Daniels, Mr. Dieguez, Mr. Granado, and Mr. Redondo were absent).

B. Other Discussion Items

Chairman Kerbel announced that the January 2026 meeting would be a regional session to be held at the City of Homestead's City Hall, 100 Civic Court, Homestead Florida.

Following discussion regarding the proposed dates, Task Force members decided to schedule the next CRTF meeting on January 15, 2026, at 5:30 p.m. and a second meeting to be held on January 27, 2026 at the Stephen P. Clark Center, Conference Room 18-3 at 10:00 a.m.

Mr. Eikenberg moved that the first meeting in January be held on January 15, at the City of Homestead's City Hall, 100 Civic Court, in Homestead Florida at 5:30 p.m. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed 10-0 (Senator Calatayud, Ms. Daniels, Mr. Dieguez, Granado, and Mr. Redondo were absent).

Mr. Jimenez moved that the second meeting in January would be held on January 27, 2026 at the Stephen P. Clark Center, Conference Room 18-3, in Miami Florida at 10:00 a.m. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 10-0 (Senator Calatayud, Ms. Daniels, Mr. Dieguez, Granado, and Mr. Redondo were absent).

Commissioner Moss inquired about a report that was to be provided to the Board

Chairman Kerbel responded that the report had been provided at the November 17, 2025, Board meeting, where it was accepted without comments. He further noted that he had requested the Task Force sponsor, Commissioner Cohen Higgins, to extend the end-point by one month.

Ms. Demetria Henderson emphasized the importance of Task Force members completing surveys and providing their availability. She explained that this information aided in guiding discussions and setting calendars for publishing meeting dates. She noted that this process had been effective, as evidenced by the increased participation and engagement observed during the meeting.

Commissioner Moss commended Chairman Kerbel for his effective facilitation of the meeting and discussions. He recommended that the name placards on the tables also include names on the back of the tents, allowing all attendees to more easily identify who was seated where.

VII. Adjournment

Hearing no further business come before the Charter Review Task Force, the meeting was adjourned at 12:44 pm.

Charter Review Task Force (CRTF)
Chairman Dennis A. Kerbel

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
December 01, 2025

Prepared by: Zorana Milton

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	Charter Review Task Force Agenda
-	Charter Review Task Force Meetings – Social Media Graphic

Miami-Dade County Charter Review Task Force Agenda
Official Version
Monday, December 1, 2025
10:00 AM
18th Floor Conference Room (18-3)

I. Roll Call

II. Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

IV. Continuation of Discussion on the Structure of County Government

A. Response Related to Qualifying for Election to County Commission
B. Response Related to Timing of Vacancy and Subsequent Election

V. New Topic: Continuation of Discussion on Land Use/ Resilience
A. Response Related to County Water & Sewer Department Services Areas
B. Regulatory and Economic Resources Department (RER) Staff Recommendations

VI. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes
B. Other Discussion Items

VII. Adjournment

Attachments:

(1) Attachment 1: Clerk's Task Force Meeting Minutes for 10.27.2025

CLERK'S SUMMARY OF MINUTES
CHARTER REVIEW TASK FORCE
OCTOBER 27, 2025

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened a meeting at the North Dade Regional Library, 2455 NW 183rd Street, Auditorium, Miami Gardens, Florida 33056, on October 27, 2025, at 5:26 p.m.

I. Roll Call

Prior to the Roll Call, Deputy Clerk Jose Soto announced that Senator Alexis Calatayud and Former North Miami Mayor Andre P. Pierre were excused from today's meeting.

The following Task Force members were present at roll call:

- Ms. Stephanie V. Daniels;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Rafael E. Granado;
- Mr. José Jimenez;
- Ms. Rebecca Wakefield;
- Former Miami-Dade Commissioner Dennis Moss;
- Vice Chairman Michael D. Redondo (State Representative for House District 118); and
- Chairman Dennis A. Kerbel.

The following Task Force members were absent:

- Town of Miami Lakes Mayor Joshua Dieguez;
- City of Homestead Mayor Steven D. Losner; and
- Former City of Miami Shores Mayor Crystal Wagar

Mr. Robert H. Fernandez arrived at 6:13 p.m.

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

- Assistant County Attorneys (ACA) Mr. Michael Valdez and Sophia Guzzo;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor; and
- Mr. José Soto, Deputy Clerk, Clerk of the Board

CLERK'S SUMMARY OF MINUTES
CHARTER REVIEW TASK FORCE
OCTOBER 27, 2025

II. Pledge of Allegiance

Chairman Dennis A. Kerbel led the Pledge of Allegiance.

III. Listening Session and Reasonable Opportunity for the Public to be heard

Chairman Kerbel opened the reasonable opportunity for the public to be heard and the following individuals came forward to speak:

1. Former Miami-Dade County District 1 Commissioner Barbara Jordan addressed the Task Force regarding term limits for County commissioners. She expressed concern that eight years provided insufficient time for commissioners to meaningfully impact their communities and complete significant projects, noting that she left three funded projects unfinished when her tenure ended. Commissioner Jordan suggested that twelve years was more appropriate and proposed that commissioners could potentially serve two consecutive terms, pause for four years, then return to serve a final term, drawing a parallel to recent presidential election outcomes. She emphasized that commissioners needed adequate time to accomplish substantial community improvements.

   Commissioner Jordan also voiced her objections to any proposal to reduce the County's thirteen single-member districts to nine districts with shared representation. She highlighted the historical struggle to establish single-member districts, crediting Betty Ferguson, Carrie Meek, and Javier Suarez for their efforts. She argued that single-member districts provided clear accountability and allowed residents to identify who represented their specific community, whereas shared districts created conflicts of interest and confusion about representation.

   Additionally, Commissioner Jordan addressed commissioner salaries, noting the disparity between the Charter-established salary of $6,000 annually and the actual demands of the position. She detailed the extensive responsibilities of commissioners, including CDMP meetings, zoning meetings, multiple committee assignments, district operations, constituent services, social obligations, and travel to secure federal and state funding. Commissioner Jordan emphasized that commissioners dedicated 65 to 75 percent of their time to the role, making it unrealistic to maintain outside employment. She argued it was unfair to ask financially struggling residents to approve salary increases for elected officials and advocated for a salary commission to establish fair compensation with cost-of-living adjustments, rather than forcing commissioners to advocate for their own pay increases. She concluded by suggesting that without adequate compensation, only retirees or individuals affiliated with firms could realistically serve.

2. Dr. Phil Ehs, 8962 Southwest 142nd Avenue, Miami, FL; raised questions regarding oversight in elections and inquired about the appropriate contact for election-related information.

ACA Michael Valdes indicated that the Supervisor of Elections could provide the requested information.

3. Ms. Marisol Zenteno, President of the League of Women Voters, 4760 Northwest 173rd Drive, Miami, FL; expressed concern about insufficient public notice for the meeting and stated that residents were satisfied with the current eight-year term limit for commissioners, asserting that two terms provided adequate time for accomplishments.

4. Mr. Kenneth Kilpatrick, President of the Brownsville Civic Neighborhood Association, 3167 Northwest 29th Avenue, Miami, FL; questioned whether the County Charter addressed term limits for commissioners and recall provisions for constitutional officers.

Chairman Kerbel responded that these matters were governed by State law.

5. Mr. Jah Malchizedek (phonetic), representing the Church of Jah, 10539 Southwest 18th Street, Miami, supported the current term limits but advocated for increased commissioner salaries. He also inquired about the status of refugees seeking sanctuary in County churches.

Chairman Kerbel clarified that the refugee sanctuary issue fell outside the purview of the Charter Review Task Force and should be directed to state and federal governments.

Seeing no one else appear wishing to speak, Chairman Kerbel closed the reasonable opportunity to be heard.

Commissioner Dennis Moss addressed the concern regarding public notice and outlined the extensive efforts undertaken by the Task force to publicize its meetings.

Ms. Demetria Henderson confirmed that the County adhered to all required protocols for public meeting notices, including Sunshine Law requirements, and noted that meetings were scheduled on an as-needed basis rather than following a fixed schedule.

Mr. Jorge Damian de la Paz added that the administration conducted targeted outreach efforts through platforms such as social media to inform the public about meetings.

CLERK'S SUMMARY OF MINUTES
CHARTER REVIEW TASK FORCE
OCTOBER 27, 2025

IV. Continuation of Discussion on the Structure of County Government

A. Motions for Consideration

i. Item A: Moss—Revised Independent Salary Commission

Chairman Kerbel introduced the discussion on the revised Independent Salary Commission proposal, noting that questions remained from the previous meeting regarding potential inclusion of private entities in the decision-making process.

ACA Valdes outlined the modifications made to the proposal since the prior task force meeting which included:

- An added provision in subsection C clarifying that vacancies on the Independent Salary Commission (commission/ISC) would be filled using the same appointment method as the original member's appointment;
- Subsection D was modified to require the commission to meet annually rather than biennially, with meetings scheduled prior to the Board of County Commissioners' (Board) adoption of the county budget for the upcoming fiscal year;
- A requirement that the commission determine whether salary adjustments were warranted before budget adoption;
- A cap provision stating that recommended salaries could exceed the amount determined by state law formula for non-charter county commissioners; and
- Subsection D was clarified to specify that the commission's final report would be presented annually prior to budget adoption, that the commission's determinations would be final, and that the Board would include the revised salaries in the proposed County budget without modifications or amendments

ACA Valdes noted that the commission would consider the value of benefits and other compensation received by commissioners when making determinations.

Commissioner Moss recalled thirteen previous failed attempts to revise commissioner salaries through ballot measures. He emphasized that the current $6,000 annual salary was unreasonable given the full-time responsibilities of County commissioners and explained that when the charter was initially created, the $6,000 salary equaled approximately $60,000 in current value, where commissioners were then considered part-time employees. Commissioner Moss noted that the position's demands had evolved substantially, yet the salary remained unchanged; and proposed establishing an ISC composed of individuals with demonstrated community goodwill who could examine current commissioner salaries and benefits comprehensively, then determine fair and

equitable compensation. He stressed that the commission's decisions would be final and not subject to modification by the Board.

Commissioner Moss detailed the rationale for selecting specific appointing authorities, offices representing law enforcement and the rule of law, to enhance the commission's credibility and assure the public that appointees would evaluate matters honestly and fairly. He expressed concern that including additional entities in the appointment process might create perceptions of undue influence and noted that commissioners' benefits had expanded over time because alternative mechanisms for adequate compensation were unavailable. Commissioner Moss advocated for the commission to conduct annual reviews and consider all benefits when determining fair compensation, stating that determinations should be incorporated directly into the budget process. He concluded by emphasizing that commissioners needed adequate compensation to support themselves and their families without relying solely on outside income sources.

Ms. Escarra sought clarification on whether the salary revision applied uniformly to all County commissioners, and inquired whether chief judges could serve directly on the commission or were required to designate appointees.

Commissioner Moss confirmed the revision would be applied uniformly and indicated that judges must designate representatives rather than serve personally.

ACA Valdes clarified that designated appointments were required rather than direct service. He explained this applied to other public officials as well, though he needed to review specific code provisions before offering a definitive opinion on certain positions.

Ms. Escarra recommended establishing a minimum base salary for commissioners, suggesting it be tied to minimum wage or average median income.

Ms. Rebecca Wakefield expressed support for the proposal and suggested implementing progressive salary increases over time accompanied by scheduled review processes.

Mr. Eric Eikenberg questioned the absence of provisions addressing outside employment.

ACA Valdes confirmed the item did not address this matter, indicating commissioners would

remain eligible for outside employment.

Mr. Eikenberg raised concerns about executive benefits for commissioners referenced in Attachment B of the item, noting the benefits totaled approximately $74,980 annually and significantly exceeded the current $6,000 salary. He calculated that if the commission recommended the maximum salary authorized under State law for non-charter counties (approximately $123,000) combined with existing benefits, commissioners could receive nearly $200,000 in total annual compensation while maintaining outside employment eligibility.

Chairman Kerbel responded that the commission could evaluate benefits as part of their deliberations and confirmed that no State regulations specifically governed this aspect. He reassured Mr. Eikenberg that benefit decisions would remain at the Board's discretion.

Commissioner Moss noted that the current County Charter did not prescribe specific benefits for commissioners, allowing them discretion in determining their benefits.

ACA Valdes added that benefits might be regulated by State law, noting that non-charter counties were governed exclusively by State law provisions, whereas charter counties like Miami-Dade possessed home rule authority.

Vice Chairman Michael D. Redondo opined that voters might not support establishing a minimum salary for commissioners.

Ms. Escarra suggested commissioners could receive starting salaries equivalent to those of firefighters and law enforcement officers.

Chairman Kerbel proposed modifying language in the item's first paragraph but withdrew the suggestion after ACA Valdes explained that ballot question language was limited to 75 words and incorporating additional details would consume word count needed to describe the commission's composition and function.

ACA Valdes emphasized that the proposal should not specify exact salary amounts but instead inform voters that compensation would be adjusted based on the commission's recommendations. He distinguished this approach from previous ballot questions that specified definite salary changes, explaining that this proposal established a different system rather than guaranteeing any

particular outcome.

Responding to Mr. Eikenberg's request for clarity, ACA Valdes confirmed that the County Charter did not designate whether commissioners were considered part-time employees.

Chairman Kerbel proposed an amendment requiring the commission to conduct at least two public hearings prior to finalizing its review, which Commissioner Moss accepted as a friendly amendment.

ACA Valdes noted that the original language already required at least one public hearing.

Mr. José Jimenez requested that section E's meeting provisions be separated into a distinct paragraph, which would renumber the previous paragraph E as paragraph F.

ACA Valdes confirmed this modification could be incorporated.

In response to Ms. Escarra's question as to what would occur if a proposed salary increase was not approved, ACA Valdes clarified that salaries would remain unchanged, analogizing the situation to the Charter Review Task Force's mandate, f no revisions were deemed necessary, the status quo would prevail.

Mr. Eikenberg recommended that County commissioners be prohibited from maintaining outside employment given the potential for substantial salary increases and comprehensive benefit packages.

Commissioner Moss and ACA Valdes confirmed that research indicated neither charter nor non-charter counties throughout Florida imposed restrictions preventing commissioners from holding outside employment.

Commissioner Moss moved to approve the foregoing proposed item, as amended to include the amendment requiring at least two public hearings and the reorganization of meeting provisions into a separate paragraph as suggested by Mr. Jimenez.. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 9-1 (Mr. Eikenberg voted no; Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

ii Item B: Kerbel—Commissioner Term Limits

Chairman Kerbel introduced the term limits discussion, explaining that he had previously proposed changing commissioner term limits from two four-year terms to three four-year terms, with the restriction applying only to commissioners not in office prior to November 2028. He noted that Mr. Eikenberg had requested a parallel provision for the County Mayor, which appeared on the agenda as Item B-Alternate.

Chairman Kerbel explained his new proposal, Item C, which would establish a merit retention election in commissioners' sixth year of service. Under this mechanism, commissioners seeking a third term would require voter permission from their districts before being allowed to run again. He described this as a solution that would eliminate the need to exclude current commissioners since all candidates for a third term would face voter approval.

Chairman Kerbel invited discussion from task force members.

Mr. Jimenez expressed support for Item B but recommended eliminating the word "consecutive," allowing commissioners to serve three four-year terms total whether consecutively or not. He referenced Commissioner Jordan's earlier testimony suggesting that commissioners could potentially serve two terms, allow their replacement to serve one term, then return for a final term. Mr. Jimenez expressed limited support for third terms but acknowledged their importance if approved. He emphasized that three terms should represent an absolute maximum and questioned why current commissioners were excluded from the proposal.

Mr. Jimenez also noted concerns that the Mayor's office wielded considerably more power than any single commissioner position and cautioned that placing both salary and term limit items on the same ballot would likely result in both measures failing.

Chairman Kerbel acknowledged his intention to have the Task Force vote on which proposal the commission should prioritize based on previous discussions.

Ms. Stephanie Daniels expressed support for Item B and raised concerns about Item C's fiscal impact on taxpayers, questioning whether an additional election would be required to determine if commissioners could seek third terms.

ACA Sophia Guzzo clarified that such an election would coincide with primary elections rather than constituting an independent election, though it might affect district-level turnout.

Mr. Rafael Granado voiced his objections to Item C, arguing it would force commissioners to campaign continuously during their final term and require fundraising every two years, contrary to

the County's staggered election system designed to avoid perpetual campaigning. He questioned the rationale for excluding currently serving commissioners if the objective was allowing officials to complete their work, and challenged whether the mayor should receive a third term given the office's strong executive authority. Mr. Granado stated his preference for Item A modified to allow three total four-year terms rather than three consecutive terms.

Chairman Kerbel proposed striking the word "consecutive" from Item B.

Commissioner Moss expressed his preference for Item B and echoed concerns expressed by others that placing both salary and term limit measures on the ballot simultaneously would doom both proposals, particularly given recent community controversy regarding term limit changes.

Ms. Wakefield indicated support for Item B and suggested the Task Force recommend placing the salary commission proposal on the 2026 ballot and the term limits proposal on the 2028 ballot to avoid conflicting priorities.

Vice Chairman Redondo assumed chairing the meeting to allow for Chairman Kerbel to move the item.

Chairman Kerbel moved for the Task Force to approve Item B with revisions allowing commissioners to serve three total four-year terms applicable to current commissioners.

ACA Valdes sought clarification on how the three-term lifetime limit would interact with commissioners' existing terms and whether those terms would count toward the new limit. He explained that the Charter currently established term limits only for commissioners elected to full four-year terms, meaning appointees or individuals elected to complete unexpired terms were not subject to the two-term restriction under current provisions.

Extensive discussion ensued regarding how term limits should apply to appointed commissioners or those elected to fill vacancies.

Chairman Kerbel contended that serving more than half of an appointed or vacancy-filled term should count as a complete term toward the three-term limit.

ACA Valdes reviewed the appointment process, noting that appointments typically lasted only until the next Countywide election according to Charter provisions. He distinguished between appointments resulting from resignations and gubernatorial appointments following office suspensions, which operated under different legal frameworks. ACA Valdes referenced specific examples involving Commissioners Gonzalez and Milian Orbis to illustrate various appointment scenarios and their potential implications for term counting.

Mr. Jimenez initially advocated for provisions preventing commissioners from serving excessively long tenures through appointments but later withdrew his concerns, acknowledging the mathematical complexity and rarity of problematic scenarios.

Vice Chairman Redondo cautioned against establishing rigid numerical year limits, noting that such provisions could create inequities where some commissioners served less than twelve years while others served the full duration. He cited federal and State precedents, including the 22nd Amendment's treatment of presidential succession, which counted any service exceeding half a term against eligibility limits.

Mr. Eikenberg highlighted recent appointments as examples requiring consideration, noting that under certain scenarios commissioners could theoretically serve fifteen to sixteen years.

Following extensive discussions regarding various appointment scenarios and their mathematical implications, Chairman Kerbel modified his motion to request the Task Force to approve Item B as written and strike the word "consecutive" to establish a lifetime limit of three four-year terms regardless of whether served consecutively. He noted the motion eliminated provisions addressing appointments and removed the final sentence restricting application to future commissioners, thereby making the three-term limit applicable to current Board members. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

iii. Item B- Alternate: Eikenberg—Mayoral and Commissioner Term Limits

Chairman Kerbel invited Mr. Eikenberg to proceed with Item B-Alternate.

Mr. Eikenberg addressed Item B-Alternate, noting that while the strong mayor designation had been previously discussed, some powers originally held by the mayor's office had been transferred to constitutional officers approved by voters. He stated that based on the decision just made regarding commissioner term limits, it was important for parity that the mayor have the ability to serve three terms. Mr. Eikenberg specified he intended to include the word "consecutive," noting that the task force had just approved commissioner term limits without that word, but he proposed three consecutive terms for the mayor as stated in the provision. He moved the item.

Mr. Eikenberg moved that the Task Force approve Item B as outlined. This motion was seconded

by Vice Chairman Redondo.

Ms. Escarra sought clarification on whether the motion included or excluded the word "consecutive."

Mr. Eikenberg confirmed the motion included "three consecutive."

Responding the Mr. Jimenez's question if the County Mayor could skip a term and run again if the word "consecutive" was removed from the item, Chairman Kerbel indicated this could occur.

ACA Valdes explained that under general election law and prevailing legal precedent, the term "consecutive" when used to describe term limits functioned as a term of art to distinguish such limits from a lifetime ban. He clarified that the Charter's use of "consecutive" represented a deliberate decision establishing an eight-year limit, after which an official could leave office, wait four years, and run again. ACA Valdes noted the State legislature employed similar provisions using "consecutive." He emphasized that altering or removing this term would create practical changes to what applied, and the task force should be mindful that use or non-use of this term carried legal significance.

Mr. Eikenberg sought clarification, questioning ACA Valdes's explanation. He noted it seemed counterintuitive that a provision using the phrase "two consecutive four-year terms" would allow an official to serve two terms, leave office for four years, return to serve additional terms, and still be considered within the "two consecutive" term limit.

Discussion ensued between Mr. Eikenberg and ACA Valdes regarding the legal interpretation of "consecutive" term limits. Mr. Eikenberg expressed concern that the Charter language appeared counterintuitive, as the phrase "two consecutive four-year terms" would permit an official to serve eight years, leave office for four years, then return to serve an additional eight years, totaling sixteen years with an interruption, while still complying with the term limit restriction.

ACA Valdes confirmed this interpretation accurately reflected current Charter provisions and noted the structure paralleled State legislative term limit provisions.

After seeking clarification on whether additional gaps and subsequent terms would be permissible beyond the initial sixteen years, Mr. Eikenberg withdrew his motion.

iv. Item C: Kerbel—Revised Commissioner Term Limits

Chairman Kerbel opened the floor for discussion on recommendations regarding which question should appear on the ballot and when.

Ms. Wakefield moved that the task force recommend placing the salary commission proposal on the 2026 ballot and the term limits proposal on the 2028 ballot, noting this appeared to be the consensus.

Commissioner Moss offered remarks for the record regarding term limits and elections. He noted that voters effectively determined term limits through the electoral process by retaining or removing officials based on performance. Commissioner Moss observed that the public's perspective on elected officials often did not account for the full scope of their responsibilities and work commitments. He noted that officials dedicated to their communities invested effort comparable to county employees in other departments. Commissioner Moss referenced Commissioner Jordan as an example of sustained commitment to constituents and the County, and expressed optimism that public perception of elected officials would improve over time.

Chairman Kerbel acknowledged the contributions of both Commissioner Moss and Commissioner Jordan to their constituents and the county. He called for a vote on the pending motion.

Hearing no additional discussion, Chairman Kerbel called for a vote.

Ms. Wakefield moved to approve the foregoing proposed item, as presented. This motion was seconded by Commissioner Moss, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

V. Comments/Discussion by Task Force Members

A. Clerk's Meeting Minutes

Vice Chairman Redondo noted the minutes presented for approval had to be corrected to indicate he served on District 118 instead of District 20.

Vice Chairman Redondo moved to approve the minutes, as corrected. This motion was seconded by Mr. Eikenberg, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

B. Initial Task Force Report

Chairman Kerbel opened the floor for discussion. There were not any comments about the Initial Task Force Report.

Ms. Daniels moved to approve the Initial Task Force Report, as presented. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

In response to Chairman Kerbel's inquiry regarding when the report would be presented to the Board, Mr. de la Paz indicated that staff was consulting with the resolution's sponsor to determine an appropriate Board agenda date.

C. Other Discussion Items

Chairman Kerbel announced the next task force meeting would be held on November 17, 2025, at the Stephen P. Clark Building, second floor County Commission Chamber, from 9:00 a.m. to 12:00 p.m.; and requested input on scheduling a regional meeting in December 2025.

Ms. Henderson reported that three tentative December dates were under consideration pending confirmation from the sponsoring commissioner's office. She indicated that locations in the City of Homestead or the Town of Cutler Bay, both in County District 8, were being evaluated for a December 19, 2025 meeting. Ms. Henderson also noted her office was exploring potential January 2026 meeting dates at the Commission Chambers.

Discussion ensued among the Trust members and staff regarding scheduling options for future meetings.

Mr. Jimenez moved to schedule the next task force meeting for Monday, December 1, 2025, at the Commission Chambers at 9:00 a.m. Vice Chairman Redondo seconded the motion, and upon being put to a vote, passed 10-0 (Senator Calatayud, Mayor Pierre, Mayor Dieguez, Mayor Losner, and Mayor Wagar were absent).

Chairman Kerbel requested that meeting dates be identified for January through April 2026, with a regional meeting in the western area during January 2026 and a regional meeting in the southern area during February 2026. He indicated he would coordinate with the sponsor of the resolution establishing the CRTF to request an extension through April 2026. Chairman Kerbel noted that scheduling details could be further discussed at the November 17, 2025 meeting.

VI. Adjournment

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting was adjourned at 7:28 p.m.

TASK FORCE

MEETINGS:

Members of the public may speak on any area of the Miami-Dade County Charter. Make your voice heard today!

Monday
November 17, 2025

9:00 a.m.

Stephen P. Clark Government Center

111 NW First Street, Miami, Florida, 33128
Miami-Dade Commission Chambers
(second floor)

Monday
December 1, 2025

10:00 a.m.

Stephen P. Clark Government Center

111 NW First Street, Miami, Florida, 33128
Conference Room 18-3
(18th floor)

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force (CRTF)

City of Homestead
City Hall
100 NE Civic Ct.
Homestead, FL 33030
January 15, 2026
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Flora Garcia, Commission Reporter
(305) 375-4906

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
JANUARY 15, 2026

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its meeting at the City of Homestead, Council Chambers, 100 NE Civic Ct, Homestead, Florida 33030, on January 15, 2026, at 6:00 p.m.

Chairman Kerbel made introductory comments by thanking Mayor Losner and City Manager for hosting today's meeting at their city hall and providing refreshments.

I. Roll Call

The following Task Force members were present at roll call:

- Ms. Stephanie Daniels;
- Mr. Jose Jimenez;
- City of Homestead Mayor Steven D. Losner;
- Ms. Rebecca Wakefield;
- Former City of Miami Shores Mayor Crystal Wagar;
- Former Miami-Dade Commissioner Dennis Moss; and
- Chairman Dennis A. Kerbel

NOTE: 8 members are required for quorum. Seeing only seven members present, quorum was not met.

The Clerk of the Board received notice that Senator Calatayud, Mayor Joshua Dieguez, Mr. Eric Eikenberg, Ms. Iris Escarra, Mr. Robert H. Fernandez, Mr. Rafael E. Granado, Mayor Andre D. Pierre and Vice Chairman Michael D. Redondo were excused from the day's meeting.

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

- Assistant County Attorney (ACA) Michael Valdez;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor
- Ms. Tivia Rouland, Mayor's Aide, Office of the Mayor
- Ms. Samantha Jacob, Mayor's Aide, Office of the Mayor
- Mr. Jorge Fernandez, Deputy Director, Office of Management and Budget (OMB)
- Mr. Alex Cissol (phonetic), Miami-Dade County Parks, Recreation & Open Spaces (PROS)
- Ms. Flora Garcia, Deputy Clerk, Miami-Dade County Clerk of Court and Comptroller, Clerk of the Board (COB)

II. Pledge of Allegiance

Mayor Losner led the Pledge of Allegiance.

III. Listening Session and Reasonable Opportunity for the Public to be Heard

Chairman Kerbel opened the listening session and reasonable opportunity for the public to be heard; and the following individual appeared before the Task Force:

1. Ms. Kimberly Lopez, Lead Foster Care Recruitment Specialist for Citrus Family Care Network, emphasized the need for foster care services within the community and requested the Task Force's support in attracting attention to this pressing issue.

Seeing no one else come forward wishing to speak, Chairman Kerbel closed the listening session and the reasonable opportunity for the public to be heard.

IV. Topics for Discussion

Chairman Kerbel indicated that he intended to use the meeting to introduce two new topics anticipated to carry the Task Force through the next several meetings. He noted that the vacancy election provisions remained outstanding and would be taken up at the second January meeting, scheduled for January 27, 2026, at 10:00 a.m. in the County's Commission Chambers.

Chairman Kerbel opened the floor for County staff presentation; and there being no presentations prepared for that evening, he proceeded to invite board members to discuss the agenda topics.

A. Annexation/Incorporation

Chairman Kerbel opened the floor for Task Force members to make recommendations for discussion at future meetings.

Mayor Losner opened the discussion by noting that he had reviewed the relevant Charter provisions in preparation for the meeting. He raised the question of whether the Task Force should issue a recommendation encouraging the Board of County Commissioners (Board) to repeal the ordinance placing a moratorium on annexation and incorporation, citing population growth and the need for self-determination as rationale.

Chairman Kerbel stated that his inclination was to limit the Task Force's recommendations to the Charter itself and any pertinent changes, while acknowledging that members were free to make public statements as they saw fit.

Mayor Losner followed up by questioning how the existing long-term moratorium might impact or chill any charter initiative on annexation or incorporation placed on the ballot.

Chairman Kerbel acknowledged that the interaction between those issues warranted further discussion, noting that the moratorium would not remain in place indefinitely.

Chairman Kerbel asked ACA Valdez about the current status of the Board's consideration of annexation and incorporation issues.

ACA Valdez indicated that he had begun researching the question during the discussion and would provide a response at a later time.

Chairman Kerbel stated that the issue would be re-addressed either later in this meeting or at a subsequent one.

Chairman Kerbel then proposed exploring a more systematic approach to the annexation and incorporation application process through a charter mechanism. He described a structure analogous to Commissioner Moss's Salary Commission proposal, in which a designated body would accept applications during a defined window, conduct a comprehensive concurrent review of all submissions against established standards, and ultimately forward recommendations to the Board. He noted the concept was being offered in general terms and invited the board to weigh in on whether it was worth pursuing further.

Ms. Wagar noted that it would be helpful to first obtain background information on how the current annexation process was actually executed before comparing it to any proposed alternative, so that members could evaluate the concept with proper context.

Chairman Kerbel concurred and asked County staff whether they were prepared to provide that background or whether it would be better addressed at a future meeting.

Mr. Jorge Fernandez confirmed that he would prepare a presentation on the mechanics of the annexation process under Chapter 20 and deliver it at whichever meeting the Task Force designated.

Mr. Jimenez asked that the presentation also address the incorporation process and clarify the distinction between annexation and incorporation.

Chairman Kerbel requested that the presentation additionally cover any charter provisions that would need to be addressed to ensure consistency with the applicable ordinances, as well as the current status of the moratorium.

Mr. Fernandez confirmed the presentation would cover the original Charter provisions, the 2012 amendments, the current state of the process, and Chapter 20.

Chairman Kerbel iudicated the annexation and incorporation topic would be taken up at the January 27, 2026, meeting following the staff presentation.

Commissioner Moss expressed interest in Chairman Kerbel's concept and asked him to elaborate further. He reflected on his own experience, noting that he had come to believe that proximity to constituents enabled more responsive service delivery, and that he regretted not having more actively supported incorporation efforts in his area when the opportunity arose. He indicated support for developing an alternative application mechanism that would periodically bring the issue before the Commission and the community, without necessarily displacing the existing process.

Chairman Kerbel acknowledged Commissioner Moss's comments and clarified that the concept contemplated an alternative mechanism operating alongside the current process, rather than replacing it. He also stressed the importance of analyzing the fiscal impact of approved applications on County services, including how economies of scale would factor into the evaluation.

In response to a question from Ms. Daniels regarding law enforcement, Mr. Fernandez explained that municipalities incorporated in recent years were required to contract with Miami-Dade County law enforcement for a period of three years, after which they could elect to establish their own department or continue under a contract arrangement. He acknowledged that with the transition to the Sheriff's Office, this was an area that had not yet been fully worked through, as no new incorporations had come forward since the Sheriff took office.

Ms. Daniels asked that the forthcoming presentation include a discussion of law enforcement services and their role in the incorporation process.

Mr. Jimenez raised the issue of property owner voting rights in areas proposed for annexation or incorporation, particularly in cases where the resident population was low relative to the number of business and property owners. He argued that property owners had a legitimate stake in governance decisions affecting their holdings and the services they would be required to fund, and advocated for allowing all property owners within a designated area to cast a vote, one per property, without diminishing the voting rights of residents and renters. He suggested this issue be incorporated into the Task Force's discussions.

Discussion ensued between Chairman Kerbel and Mr. Jimenez as to how the issue should be framed and what structure a property owner voting mechanism might take.

Chairman Kerbel noted that any such system would likely require involvement from the Supervisor of Elections, given that non-elector property owners would be participating.

ACA Valdez advised that the Board had previously enacted legislation on this issue and had established practices such as surveying business owners and requiring those results to be presented to the Board at the time of a vote on annexation or incorporation. He committed to

providing the Task Force with a review of that legislative history and prior policies at the next meeting.

Chairman Kerbel suggested the Task Force consider whether a more formal requirement, beyond a survey, should be embedded in the Charter with respect to business and property owner input.

Commissioner Moss questioned how the Sheriff's Office should be involved in the Task Force's discussions at this stage, given that law enforcement costs represented a substantial share of any municipality's budget and the Sheriff's Office had not yet been engaged on incorporation-related matters.
Following comments made by Ms. Daniels, Discussion regarding the appropriate way and timing to bring the Sheriff's Office into the conversation, Chairman Kerbel asked County staff to invite the Sheriff's Office to attend the next Task Force meeting.

Mr. Jimenez raised the issue of mitigation costs, expressing concern that incorporation proponents often did not have a clear picture of the financial obligations they would be assuming until well into the process. He suggested that a mechanism be developed to make those costs more predictable and transparent at an earlier stage, before petitions were submitted.

Discussion ensued among Ms. Daniels, Mr. Jimenez and Chairman Kerbel regarding how to better structure cost disclosures and what information should be made available to incorporation proponents prior to initiating the formal process

Mr. Fernandez outlined the current incorporation process as governed by Chapter 20, explaining that the County's Municipal Advisory Committee (MAC) established the criteria applicable to a petitioned area. He noted that law enforcement would assess the area to determine the minimum level of service required based on local conditions and crime rates, and that costs for enhanced service levels were subsequently negotiated with the incorporation proponents. He acknowledged that newly incorporated municipalities often sought more than the minimum, creating a gap between initial cost estimates and final obligations.

Ms. Wakefield suggested exploring the incorporation experiences of other municipalities and how those processes compared to Miami-Dade County's.

Mr. Fernandez noted that Miami-Dade County held the exclusive authority among Florida counties to create municipalities. He contrasted this with Broward County, where in the 1990s the state legislature directed the county to incorporate its unincorporated areas, a decision driven by the county's inability to sustain municipal service delivery to those areas. He explained that large municipalities had repeatedly sought annexations in Tallahassee, causing Broward County to lose tax revenue while continuing to bear the cost of servicing remaining unincorporated areas, ultimately leading the county to exit the municipal services business entirely.

Commissioner Moss asked whether, in Broward's case, the legislature had drawn the municipal boundary lines or whether the affected areas had gone through their own voter approval process.

Mr. Fernandez acknowledged he did not know the precise details of Broward's process but indicated that the county did establish a process under which lines were drawn and cities were formed, all of which went to a public vote.

Chairman Kerbel confirmed with Mr. Fernandez that the overall process had nonetheless been initiated by the legislature, which Mr. Fernandez affirmed.

Mr. Jimenez raised the broader question of whether Miami-Dade County should consider a path toward full incorporation or annexation of its unincorporated areas.

Chairman Kerbel advised that the Task Force's focus should remain on process-oriented reforms and that a comprehensive periodic review mechanism was the more appropriate vehicle through which that broader question could naturally be addressed over time.

ACA Valdez cautioned that Miami-Dade County's unique Home Rule authority, its distinct legal and practical relationship with municipalities under the Florida Constitution, and the unparalleled size of its unincorporated area made it difficult to draw meaningful comparisons to other counties. He noted that the County's unincorporated area, if treated as a single city, would be the largest municipality in the State of Florida.

Chairman Kerbel agreed, noting that a review of Broward County's experience would be more instructive as a reference point for understanding service delivery tradeoffs and fiscal implications than as a procedural model, given the fundamental legal and structural differences between the two counties.

B. Article 7

Chairman Kerbel introduced Article VII as an additional topic for future discussion, framing it as an open-ended inquiry into whether the existing provisions were overly restrictive with respect to the development of structures in parks. He noted that projects initiated for recreational purposes could nonetheless be limited under Article VII if they carried any commercial component, and that some projects may have required reliance on location-specific exemptions, citing Metro Zoo as an example, that would not be available at other park facilities. He indicated he had no specific project in mind but asked County staff to come back with examples of projects that the Parks Department had supported yet were found to be inconsistent with Article VII, or that had required an exemption that would not extend to other locations. He acknowledged the question was broad but expressed interest in identifying whether any provisions warranted adjustment.

Mr. Fernandez indicated that staff would do their best to prepare for the next meeting, but requested the option to defer to the following meeting if necessary, as he wished to coordinate with the Sheriff's Office to deliver a cohesive and comprehensive presentation.

Chairman Kerbel suggested Mr. Fernandez provide a basic introduction at the next meeting and defer the Sheriff's Office component to a future meeting if that portion could not be ready in time. He also acknowledged that meeting dates beyond January had not yet been settled and encouraged all members to respond to the scheduling poll so that future dates could be confirmed.

Mr. Alex Cecil (phonetic), PROS, advised that the Parks Department would prepare a presentation and be ready for whichever meeting the Task Force designated.

Chairman Kerbel indicated that given the number of substantive items already scheduled for the next meeting, the Parks presentation could be deferred to the meeting after next. He noted personal familiarity with at least one project that had required a public referendum because it did not fit within the Metro Zoo exemption, citing it as illustrative of the type of issue the Article VII discussion was intended to address.

Chairman Kerbel invited any further discussion on the parks topic, and there being none, he asked if any members wished to raise additional topics. Hearing none, he thanked Mayor Losner for hosting the meeting.

Chairman Kerbel advised that the next Task Force meeting would be held on January 27, 2026, at the County Commission Chambers, at 10:00 a.m.

V. Comments/Discussion by Task Force Members

A. Clerk's Meeting Minutes – Not presented due to a lack of a quorum
B. Other Discussion Items – None Presented

VI. Adjournment

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting was adjourned at 6:42 p.m.

Dennis Kerbel, Chairman

BOARD OF COUNTY COMMISSIONERS
CHARTER REVIEW TASK FORCE
January 15, 2026

Prepared by: Flora Garcia

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	Agenda

Miami-Dade County Charter Review Task Force Agenda
Official Version
Thursday, January 15, 2026
5:30PM
City of Homestead, Council Chambers

I. Roll Call

II. Pledge of Allegiance

III. Listening Session and Reasonable Opportunity for the Public to be Heard

IV. Topics for Discussion

A. Annexation/Incorporation
B. Article 7

V. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes
B. Other Discussion Items

VI. Adjournment

Attachments:

(1) Attachment 1: Clerk's Task Force Meeting Minutes for 11.17.25
(2) Attachment 2: Clerk's Task Force Meeting Minutes for 12.01.25

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force

Stephen P. Clark Center Commission Chambers
111 NW 1st Street Miami, Florida
January 27, 2026
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Chester Rodriguez, Commission Reporter
(305) 375-3819

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
January 27, 2026

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its meeting at the Stephen P Clark Building, 2nd Floor Commission Chamber, 111 NW 1st St, Miami, FL 33128, on January 27, 2026 at 10:19 a.m.

I. Roll Call

Prior to the roll call, Deputy Clerk Chester Rodriguez announced that Senator Alexis Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, and Vice Chairman Michael D. Redondo would be absent from today's meeting.

In attendance were the following Task Force members:

- Ms. Iris Escarra;
- Mr. Rafael Granado;
- Mr. Jose Jimenez;
- City of Homestead Mayor Steven D. Losner;
- Former Miami-Dade County Commissioner Dennis Moss;
- Ms. Rebecca Wakefield;
- Former City of Miami Shores Mayor Crystal Wagar; and
- Chairman Dennis Kerbel

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

- Assistant County Attorneys (ACA) Michael Valdes and Sophia Guzzo;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Tivia Rouland, Mayor's Aide, Office of the Mayor;
- Ms. Samantha Jacob, Mayor's Aide, Office of the Mayor;
- Mr. Oren Rosenthal, General Counsel, Supervisor of Elections; and
- Mr. Chester Rodriguez, Deputy Clerk, Clerk of the Board (COB).

II. Pledge of Allegiance

Chairman Kerbel led the Pledge of Allegiance.

III. Reasonable Opportunity for the Public to be Heard

Chairman Dennis Kerbel opened the reasonable opportunity to be heard; the following individual appeared before the CRTF:

Mr. Chad Friedman, 2800 Ponce de Leon Boulevard, Coral Gables, Florida, appeared on behalf of the Miami-Dade County League of Cities. Mr. Friedman acknowledged that annexations and incorporations were not scheduled for discussion at today's meeting, but noted the topic had been raised at the previous meeting. He conveyed that the League of Cities was supportive of annexations and incorporations and expressed the League's interest in working collaboratively with the Task Force. Mr. Friedman requested an opportunity to review any proposed language the Task Force developed in order to provide feedback.

Chairman Kerbel inquired whether the League of Cities had any proposals of its own to present for the Task Force's consideration.

Mr. Friedman indicated that the League did not have a proposal at that time, but expressed that once proposed language was available, the League would bring it before its board for discussion.

Seeing no other members of the public come forward to speak, Chairman Kerbel closed the reasonable opportunity to be heard.

IV. Continuation of Discussion Related to Timing of a Vacancy and Subsequent Elections

Chairman Kerbel turned the floor over to Ms. Escarra, who had taken the lead on the proposed language.

Ms. Escarra stated that the language circulated prior to the meeting accurately reflected the Task Force's intent to provide the Board of County Commissioners (Board) with an additional opportunity to call a concurrent election when a commissioner submitted an irrevocable resignation to run for another office. She noted the language also addressed the companion qualification provisions under Section 6.08 and Section 1.07 of the Charter.

Chairman Kerbel asked for clarification on the two separate amendments to Section 1.07, as both appeared to amend the same section of the Charter.

Ms. Escarra noted they represented two distinct proposals and asked the County Attorney to explain each.

ACA Valdes explained that the three proposals before the Task Force stemmed from motions discussed at the December 1, 2025 meeting. He described the first proposal, titled "Escarra – Allowing Board to Sync Up with Other Election," as providing the Board with the option, not a

requirement, to take action upon the submission of an irrevocable resignation, rather than waiting for the resignation's effective date, in order to call an election concurrent with another already-scheduled election. The second proposal, titled "Escarra – Appointee Ineligible to Run," would render any individual appointed to fill a vacant seat ineligible to qualify for that same office in the next countywide election, effectively limiting the appointment to a caretaker role. ACA Valdes clarified that if the Board called an election rather than making an appointment, the person elected through that process would not be subject to this restriction. He noted the Task Force could advance one or both proposals, combine them, or treat them as separate ballot questions.

Chairman Kerbel asked about the third proposal related to Section 6.08.

ACA Valdes explained the proposal addressed the qualification period for municipal officers and would establish a uniform countywide standard, requiring qualifying to commence no later than the 84th day and conclude no later than noon on the 70th day prior to the relevant election, mirroring the existing qualification period for County officers. He noted that in the prior meeting the Task Force had identified that varying city-by-city qualification dates created inconsistencies.

Chairman Kerbel asked whether the Section 6.08 amendment would eliminate the vacancy-and-appointment issue that arose in the prior election cycle.

ACA Valdes responded that he could not guarantee it would eliminate the problem entirely, but that it would provide more time than currently available under certain cities' closer qualification deadlines, and that the language had been developed in coordination with the Supervisor of Elections' office to ensure workability.

Chairman Kerbel invited Mr. Rosenthal, to comment on the proposed language.

Mr. Rosenthal indicated his office was supportive of the proposals overall, and offered one suggested clarification: that the existing Section 1.07 language stating an appointed person "shall serve only until the next countywide election" be revised to read "until a candidate is elected at the next countywide election." He explained this change was intended to avoid ambiguity in the event of a runoff, since the majority of elections for the Board and Mayor could require a subsequent general election, and the Charter did not clearly address who would hold the seat during that gap.

Chairman Kerbel confirmed that the clarification would mean an appointed official would remain in the seat through a November runoff rather than leaving the seat vacant. He further confirmed that if both amendments to Section 1.07 were adopted together, the appointed individual would be ineligible to run and would serve solely as a caretaker of the seat.

Mr. Rosenthal confirmed that understanding was correct.

Commissioner Moss reiterated his opposition to limiting the Board's flexibility to either appoint or call an election for a vacant seat. He asked whether the proposed language would also impact municipalities.

Mr. Friedman, representing the Miami-Dade County League of Cities, confirmed it would and noted he had not yet seen the language, but raised the question of whether the amendment would need to expressly supersede municipal charter provisions.

Chairman Kerbel asked that the language be shared with Mr. Friedman, and ACA Valdes read it aloud.

Commissioner Moss observed that cities currently operated under their own established qualifying timeframes and asked whether those would be superseded.

ACA Valdes confirmed they would.

Commissioner Moss asked Mr. Friedman how the League of Cities viewed the proposed change and whether it encroached on cities' rights to set their own election schedules.

Mr. Friedman acknowledged the impact but noted that, in practice, many municipal charters already allowed cities to adopt new qualifying dates by ordinance when directed to do so by the Supervisor of Elections, and that the majority of newer cities had such flexibility built in. He added, however, that older cities might not, and that the matter warranted further review.

Commissioner Moss inquired whether the League of Cities would support or object to the proposed amendment.

Mr. Friedman responded that cities were accustomed to deferring to the Supervisor of Elections on election timing, particularly in resign-to-run situations, and that he wished to take the language back to the League's board for discussion. He noted it was the first time he had seen it and that he could not yet speak definitively on the League's position.

Commissioner Moss asked whether Task Force approval of the amendments would result in their immediate transmittal to the Board.

Chairman Kerbel clarified that any amendments approved by the Task Force would be submitted as part of the final report, which would not be approved until April, leaving time for revisions if concerns arose.

Commissioner Moss expressed some reservations about moving forward under those conditions.

Chairman Kerbel acknowledged his concern and noted that action taken at the meeting could still be revisited before the final report was issued.

Mr. Jimenez offered context for why the qualification date standardization had been proposed, noting that while election dates had become political questions for individual cities, he did not view the date of qualification as politically controversial. He argued the amendment would bring consistency countywide on a narrow, technical matter and reiterated that there would be time to revisit the language before the final report was issued.

Mr. Granado inquired whether Sections 1.07 and 6.08 needed to be adopted together or could operate independently.

ACA Valdes explained that the two provisions were designed to work in concert but could be advanced separately. He noted, however, that the effectiveness of Section 1.07 depended in part on when municipal qualifying periods occurred, earlier qualification dates gave the Board more lead time to act upon receipt of an irrevocable resignation, and that Section 6.08 was intended to address that variability.

Mr. Granado questioned whether the 84th-day commencement date in Section 6.08 could be modified.

ACA Valdes explained that Florida's resign-to-run law required an irrevocable resignation to be submitted at least ten days prior to the first day of qualifying, making the start of the qualifying period the operative trigger. He noted there would still be some variability depending on each city's qualifying window, but that the general principle of providing the Board more time would still be achieved.

Mayor Losner questioned the rationale for adjusting municipal qualification dates in connection with the County's vacancy-filling process, observing that Section 1.07 addressed County vacancies only and did not cover municipal vacancies.

Ms. Escarra explained that former Miami-Dade County Commissioner Higgins' decision to qualify for the City of Miami mayoral race did not leave the Board sufficient time to place the vacant District 5 seat on the November 2025 ballot, and that the proposed amendments were intended to ensure the Commission would have a functional and timely option to address similar vacancies in the future.

Mr. Jimenez proposed adding "no later than" language on both ends of the qualifying window in Section 6.08, that is, "qualifying would commence no later than the 84th day and conclude no later than the 70th day", so that cities with shorter qualifying periods, such as Miami Beach's four-day window, would retain flexibility while still meeting the minimum threshold needed to trigger the resign-to-run provisions.

Mr. Rosenthal confirmed this approach would preserve the effectiveness of Section 1.07, noting that the 84th day was the critical date that activated the resign-to-run framework under state law.

Mr. Friedman offered several suggestions: that the word "ordinance" in the final sentence of Section 6.08 be changed to "ordinance or resolution" to reflect how many cities modify qualifying dates; that cities might not need their qualifying dates changed if they already had flexibility to adjust them upon request from the Supervisor of Elections; and that rather than broad language affecting all qualifying periods, the amendment might be more narrowly tailored to address only resign-to-run scenarios.

Ms. Escarra clarified that the purpose of the amendments was to establish a minimum qualification cutoff that would give the Board adequate time to consider a concurrent election option, not to comprehensively restructure municipal election calendars.

Mr. Rosenthal elaborated on the interdependency of the two sections, emphasizing that the more Section 6.08 was loosened, the less effective Section 1.07 would become. He stated directly that the amendments, as originally drafted, would not have resolved the Higgins-District 5 situation on their own, but that the qualification dates proposed in coordination with the Supervisor of Elections' office would make Section 1.07 operational going forward.

Following further discussion, ACA Valdes proposed revised language for Section 6.08 to address Mr. Friedman's concerns about special elections: "Notwithstanding any provision of a municipal charter, the qualification period for any elected municipal office in a regularly scheduled election shall, at a minimum, commence no later than the 84th day and conclude no later than noon on the 70th day prior to the date of the relevant regularly scheduled election."

Responding to Chairman Kerbel's request for clarification that this language would apply to primary and general elections but not to vacancies created by death or unexpected resignation, ACA Valdes confirmed that was correct, and Ms. Escarra accepted the proposed language.

Chairman Kerbel asked about the purpose of the phrase "within 30 days of the effective date of the vacancy" added to Section 1.07.

ACA Valdes explained it was a clarification made necessary by the new language, which introduced multiple possible action dates; without the clarification, the existing 30-day appointment window could be ambiguous as to which date it was measured from.

Ms. Escarra stated she would not be making a motion on the appointee-ineligibility amendment to Section 1.07, as she was philosophically opposed to restricting individuals from running for office and believed that decision should rest with voters. She indicated she would instead move the concurrent election option under Section 1.07 together with the companion Section 6.08 as one package.

Chairman Kerbel asked whether Ms. Escarra would accept the language proposed by Mr. Rosenthal, clarifying that an appointed person served until "a candidate is elected at the next countywide election", as part of the motion; to which Ms. Escarra agreed.

Ms. Escarra moved to amend Section 1.07 to provide the County Commission with the option to call an election upon receipt of an irrevocable resignation, together with the companion amendment to Section 6.08 regarding the qualification period for municipal officers, incorporating all amendments discussed and articulated by the County Attorney's Office, including the "no later than" language on both the 84th and 70th days, the addition of "regularly scheduled election," and the successor clarification in Section 1.07. Mr. Granado seconded the motion; and upon being put to a vote, passed 7-1 (Commissioner Moss voted "no" and Senator Alexis Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, and Mayor Joshua Dieguez and Vice Chairman Michael D. Redondo were absent).

Addressing the second amendment to Section 1.07, the appointee-ineligibility provision, Mr. Jimenez argued that the incumbency advantage held by appointed officials was a well-documented reality, and that limiting appointees to a caretaker role would produce fairer elections by ensuring all candidates began on equal footing.

Mayor Wagar commented that the condition might have an adverse effect on the appointment process, as prospective appointees could be deterred knowing they could not subsequently run for the seat.

Mr. Jimenez moved that the Trust approve the motion as detailed under: Escarra – Appointee Ineligible to Run. This motion was seconded by Mayor Losner and upon being put to a vote, the motion passed 6-2 (Commissioner Moss and Ms. Escarra voted "no"; Senator Alexis Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, and Mayor Joshua Dieguez and Vice Chairman Michael D. Redondo were absent).

Mr. Jimenez noted that given the reduced quorum at the meeting, he would not object to revisiting the item at a future meeting with more members present if the Task Force chose to do so.

Chairman Kerbel noted the Task Force retained the ability to modify its positions until the final report was issued, but expressed his preference for continuing to advance business.

Later in the meeting, Ms. Escarra, who had initially voted no, subsequently asked to change her vote to "yes", stating that upon reflection she recognized the practical value of leveling the competitive landscape.

Chairman Kerbel accepted the vote change, which finalized the vote as 7-1 (Commissioner Moss voted "no"; Senator Alexis Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, and Mayor Joshua Dieguez and Vice Chairman Michael D. Redondo were absent).

V. Setting of 2026 Task Force Calendar

Chairman Kerbel noted that the annexation and incorporation presentation was nearing completion, pending attorney review for accuracy, and that the PowerPoint would be distributed to Task Force members in advance of its formal presentation so members could review it and prepare before the next meeting. He noted this was particularly important given that the next available meeting was not until late February. Chairman Kerbel asked staff to confirm the deadline for submitting the final report to the Board.

ACA Valdes advised that the deadline had been extended to no later than 14 days prior to the BCC's second regularly scheduled meeting in May.

Chairman Kerbel asked whether finalizing the report by the end of April would allow sufficient processing time.

ACA Valdes confirmed the report would be due by May 5th, and that finalizing the report by the end of April would provide adequate time for it to be processed and placed on the Board agenda.

Chairman Kerbel noted that the final meeting of the Task Force would be dedicated to signing off on, or making any necessary modifications to, the final report.

Ms. Escarra asked how many substantive topics remained and how many meetings would be needed to address them.

Chairman Kerbel indicated that the two remaining topics the Task Force would realistically be able to address were annexation and incorporation and Article VII. He noted that staff had been asked to compile a list of items they believed were constrained by Article VII, which would serve as the starting point for that discussion at the February meeting. He acknowledged there had also been earlier interest in discussing budgeting and finance processes, and suggested the Task Force could assess whether time and will existed to take that up after the February meeting, depending on where things stood on annexation and Article VII.

Chairman Kerbel asked staff to present available dates so the Task Force could set its remaining calendar.

Ms. Henderson reminded the Task Force that it could meet as often as needed to conduct business. She advised that the next two available dates with projected quorum were February 20th and February 23rd, with the 23rd offering two time slot options: 10:00 a.m. to 1:00 p.m. or 5:30 p.m. to 8:00 p.m. at the Westchester Regional Library.

Chairman Kerbel noted that the February 23rd meeting could serve a dual purpose as both a regional public listening session and a regularly scheduled Task Force meeting, which aligned with the earlier plan to hold a western regional meeting focused on annexation and incorporation. He noted that confirmed quorum was stronger for the 23rd than the 20th based on poll responses,

and expressed his preference for the evening session at 5:30 p.m. to allow broader public participation. He asked staff to publicize the meeting widely given anticipated public interest in annexation and incorporation topics.

Chairman Kerbel moved to set the February 23rd meeting at 5:30 p.m. at the Westchester Regional Library. Mr. Granado seconded the motion, and upon being put to a vote, passed 8-0 (Senator Alexis Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, Mayor Joshua Dieguez, and Vice Chairman Michael D. Redondo were absent).

For March, Ms. Henderson presented three available options: March 20th, March 24th, and March 31st.

Chairman Kerbel noted that March 24th already had seven confirmed attendees based on the poll and moved to schedule that meeting at 10:00 a.m. in Commission Chambers. Ms. Escarra seconded the motion, and upon being put to a vote, passed 8-0 (Senator Alexis Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, Mayor Joshua Dieguez, and Vice Chairman Michael D. Redondo were absent).

For April, Ms. Henderson identified April 7th, April 28th, and April 30th as available options, noting that April 30th would be close to the report deadline.

Chairman Kerbel proposed scheduling two meetings in April: April 7th and April 28th, both at 10:00 a.m. in Commission Chambers, with April 28th designated as the meeting at which the final report would be reviewed and approved.

Following comments by Mayor Wagar regarding her availability on April 7, Chairman noted the meeting could still proceed with quorum, and that even without quorum it could function as a Sunshine meeting at which members could discuss pending matters and reserve formal action for the final April meeting.

Ms. Escarra moved to set both April dates, Mr. Jimenez seconded, and upon being put to a vote, passed 8-0 (Senator Alexis Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, Mayor Joshua Dieguez, and Vice Chairman Michael D. Redondo were absent).

Chairman Kerbel then inquired whether, as Chair, he had authority to call additional meetings if circumstances required beyond those set that day.

ACA Valdes advised that while the authorizing resolution did not expressly grant that authority, the Task Force could move to designate the Chair with that power.

Mr. Jimenez moved to grant the Chairman authority to call additional meetings if needed. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed 8-0 (Senator Alexis

Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, Mayor Joshua Dieguez, and Vice Chairman Michael D. Redondo were absent).

Chairman Kerbel stated he would exercise that authority judiciously and noted that any such additional meeting would likely be held on the 18th floor rather than Commission Chambers given date-specific availability constraints.

Commissioner Moss raised the matter of parking for Task Force members, noting that individuals who volunteered their time to serve on county boards should not be required to pay for parking when attending meetings. He acknowledged the issue may fall outside the scope of the Charter but stated it warranted attention.

Ms. Henderson confirmed that parking validation was available through her office for Task Force members who requested it, though it was subject to a limited time window.

Chairman Kerbel agreed the matter should be looked into and noted it was not a charter issue but a Task Force member issue he supported addressing.

VI. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes

Mr. Jimenez moved to approve the November 11, 2025 and December 1, 2025 meeting minutes. Ms. Escarra seconded the motion, and upon being put to vote, passed 8-0 (Senator Alexis Calatayud, Ms. Stephanie Daniels, Mr. Eric Eikenberg, Mr. Robert Fernandez, Mayor Andre Pierre, and Mayor Joshua Dieguez and Vice Chairman Michael D. Redondo were absent).

B. Other Discussion Items

~ None presented

VII. Adjournment

There being no further business to come before the CRTF, the meeting was adjourned at 11:35 a.m.

Dennis Kerbel, Chairman

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
January 27, 2026

Prepared by: Chester Rodriguez

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	CRTF Agenda
-	Copy of Section 1.07 Allowing Board to sync up with other election.
-	Copy of Section 1.07 Appointee ineligible to run.
-	Copy of Section 6.08 Qualification of municipal officers.

Miami-Dade County Charter Review Task Force Agenda
Official Version
Tuesday, January 27, 2026
10:00AM
Commission Chambers

I. Roll Call

II. Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

IV. Continuation of Discussion Related to Timing of a Vacancy and Subsequent Elections
**Proposed language to be provided later*

V. Setting of 2026 Task Force Calendar

VI. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes
B. Other Discussion Items

VII. Adjournment

Attachments:

(1) Attachment 1: Clerk's Task Force Meeting Minutes for 11.17.25
(2) Attachment 2: Clerk's Task Force Meeting Minutes for 12.01.25

ESCARRA - ALLOWING BOARD TO SYNC UP WITH OTHER ELECTION

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 >>of the effective date of the vacancy<<, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. >>However, if the vacancy is a result of an irrevocable resignation to run for another office, the Board may also take action anytime between the submission of the irrevocable resignation and the effective date of the resignation in order to call for an election filling the vacancy to be held at the same time as another available election already scheduled for no later than 90 days after the effective date of the resignation.<< 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 >>or at the earliest possible time thereafter that the Supervisor of Elections has confirmed availability to conduct such election<<. 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.

ESCARRA - APPOINTEE INELIGIBLE TO RUN

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 >>and shall not be eligible to run for the office that he or she was appointed during the next countywide election<<. A person elected shall serve for the remainder of the unexpired term of office >>and shall be eligible to run for that office during the next relevant countywide election unless otherwise prohibited by applicable term limits<<. 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.

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ESCARRA - CHANGING MUNICIPAL QUALIFYING DATES TO UNIFORM STANDARD

>>**SECTION 6.08. – QUALIFICATION OF MUNICIPAL OFFICERS.**

Notwithstanding any provision of a municipal charter, the qualification period for any elected municipal office shall commence on the 84th day and conclude at noon on the 70th day prior to the date of the relevant election. A municipality may adopt any additional regulations governing qualification for municipal elections to the extent not inconsistent with this Charter, any ordinance adopted hereunder, or state law.<<

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force (CRTF)

Westchester Regional Library Auditorium
9445 Coral Way
Miami, FL 33165
February 23, 2026
As Advertised
Juan Fernandez-Barquin,
Clerk of the Court and Comptroller
Board of County Commissioners

Basia Pruna, Director
Clerk of the Board Division

Flora Garcia, Commission Reporter
(305) 375-4906

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
FEBRUARY 23, 2026

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its meeting at the Westchester Regional Library Auditorium, Miami, 9445 Coral Way, Miami, Florida 33165, on February 23, 2026, at 5:30 p.m.

Chairman Kerbel convened the meeting at 5:55 p.m. and made introductory remarks.

I. Roll Call

The following Task Force members were present at roll call:

- Town of Miami Lakes Mayor Joshua Dieguez;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Jose Jimenez;
- City of Homestead Mayor Steven D. Losner;
- Ms. Rebecca Wakefield;
- Former Miami-Dade Commissioner Dennis Moss; and
- Chairman Dennis A. Kerbel

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

- Assistant County Attorneys (ACA) Sophia Guzzo and Michael Valdes;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Fernandez, Deputy Director, Office of Management and Budget (OMB);
- Mr. Alejandro Zizold, Chief of Planning, Research & Grants, Miami-Dade County Parks, Recreation & Open Spaces (PROS);
- Ms. Barbara Galvez, Chief Administrative Officer, Miami-Dade County Clerk of Court and Comptroller; and
- Ms. Flora Garcia, Deputy Clerk, Miami-Dade County Clerk of Court and Comptroller, Clerk of the Board (COB)
-

II. Pledge of Allegiance

Chairman Kerbel led the Pledge of Allegiance.

III. Listening Session and Reasonable Opportunity for the Public to be Heard

Chairman Kerbel opened the listening session and reasonable opportunity for the public to be heard; and the following person appeared before the Task Force:

1. Ms. Susan Khoury, 8724 SW 72nd Street, Miami, Florida, spoke on matters relating to

the constitutional officers. She raised three concerns she believed warranted review, either at the Charter level or through state action: the absence of term limits for constitutional officers, the lack of a residency requirement for candidates seeking those offices, and the fact that the constitutional officers, who collectively administered approximately half of the County's budget, were not subject to oversight by the Miami-Dade County Inspector General. She noted that she had already raised these issues with state legislators and suggested that, if necessary, a separate state Inspector General position could be created to address financial oversight. She urged the Task Force to consider whether any of these matters could be incorporated into the Charter before the next review cycle.

Chairman Kerbel acknowledged her comments and clarified that the County's authority over constitutional officers was significantly constrained by state law, making these matters largely a state-level issue.
Seeing no one else come forward wishing to speak, Chairman Kerbel closed the listening session and the reasonable opportunity for the public to be heard.

IV. Presentations from Staff

A. Annexation/Incorporation

Mr. Fernandez presented a PowerPoint presentation on the history, purpose, and processes of annexations and incorporations, including relevant Charter requirements, Charter revisions, Code requirements, recent Code revisions, and past Board actions. He emphasized that incorporation represented the most complex policy issue in Miami-Dade County, as it required balancing residents' desire for self-determination and self-governance with the need to preserve services for the remainder of the unincorporated area. Mr. Fernandez noted that the Miami-Dade County Home Rule Amendment and Charter was adopted in 1957, granting the County authority over annexation and incorporation matters.

Mr. Fernandez stated that Article 6 of the Charter established the guidelines and requirements for annexations and incorporations. He explained that Section 6.04 governed changes to municipal boundaries, and that Section 6.05 addressed the creation of new municipalities, which could only be established following BCC approval, advisory board reviews, and a majority vote of the electors within the proposed area.

Mr. Fernandez reviewed the incorporation by petition process, which had been placed into the Charter through a previous Charter amendment. He explained that under that process, an incorporation committee of at least five members was required to file a petition with the Clerk, obtain signatures from 20% of resident electors, draft a proposed charter, hold at least three public hearings, and submit the materials to the Board, which then had the authority to approve or reject the proposal. He noted that the Supervisor of Elections was required to verify the petition signatures, and that if signatures were deemed sufficient, the BCC could call an election; if a majority approved, a budgetary analysis was conducted and a vote on the proposed charter followed.

Mr. Fernandez reviewed recent changes to Chapter 20 of the Code, including expanded notice requirements adopted in 2022 mandating that all registered voters within the proposed area, property owners within the proposed area and within 600 feet, and neighboring municipalities receive notice of an annexation proposal. He further noted that for proposed annexations with fewer than 250 resident electors, the County was required to conduct a survey of affected property owners to determine whether they wished to be included in the annexing municipality.

Mr. Fernandez noted that a 2014 BCC action had reduced the petition signature requirement from 25% to 20% and had also removed the boundaries committee. He also advised that the most recent BCC action, taken in February 2025 through Ordinance 25-13, suspended consideration of incorporations for two years and annexations for four years, with limited exceptions.

Mr. Fernandez reviewed the mitigation requirements, explaining that since 2000, three municipalities, Miami Lakes, Palmetto Bay, and Doral, had been non-revenue neutral at the time of incorporation and were therefore required to make mitigation payments to the County. He noted that each had negotiated a seven-year payoff period, after which their obligations were satisfied and their charters amended accordingly.

Mr. Fernandez stated that at the time of Charter adoption the County had 26 municipalities, with approximately 35% of the population residing in UMSA. He noted that the County currently had 34 municipalities, with approximately 43% of the population, roughly 1.2 million residents residing in UMSA.

Mr. Fernandez advised that there had been two attempts to incorporate the unincorporated area, one in 1997 and another in April 2012, and that both had failed to move forward. He noted that there was currently no policy requiring the incorporation of the remaining unincorporated area within any specific timeframe, and briefly distinguished Miami-Dade's situation from Broward County, which lacked a home rule charter and had been required by the State to incorporate its unincorporated areas.

Mr. Fernandez highlighted the services and revenues retained by the County when an area was annexed or incorporated, including fire rescue services, the County library system, garbage and refuse collection, and the utility taxes and franchise fees securing existing County bond indebtedness. He also provided financial information on UMSA's General Fund, noting that UMSA's total budget was approximately $730 million, and walked through examples illustrating how OMB conducted revenue neutrality analyses, including how revenues and police service costs were attributed to a proposed area.

Discussion ensued among Task Force members and Mr. Fernandez regarding the revenue neutrality analysis methodology.

In response to Chairman Kerbel's question regarding the impact of the police department's transition to a constitutional office on the revenue analysis, Mr. Fernandez replied that the organizational change had not affected OMB's methodology, as his office continued to

collaborate effectively with the Sheriff's Office to obtain the necessary data. He explained that the same formula was applied, using total calls for service, crime rates, population, and square miles within UMSA to estimate police service costs for a proposed area.

Commissioner Moss commended Mr. Fernandez for his longstanding work on incorporation matters.

In response to Commissioner Moss's question regarding service costs, Mr. Fernandez responded that costs were associated with the level and type of services requested by petitioners. When asked whether he was aware of any studies comparing the quality of services provided by municipalities versus the County, Mr. Fernandez advised that he was not aware of any specific study but noted that incorporation decisions ultimately turned on what level of service a community wanted and what it was willing to pay for.

Commissioner Moss requested that Mr. Fernandez research and distribute to Task Force members two studies, if available: one comparing service quality between municipalities and the County, and another comparing tax rates in areas incorporated from 1990 to present, examining County versus municipal rates.

In response to Commissioner Moss's inquiry regarding whether signature petitions for incorporation had ever been successfully brought before the Board, Mr. Fernandez advised that for annexations, petitions were required to include the requisite percentage of signatures from registered electors when the proposed area contained more than 250 resident electors. He noted that he could not speak to the period before 2000 but confirmed that all incorporations from Miami Lakes forward had proceeded under the direction of the County Commission.

Commissioner Moss observed that no resident-initiated incorporation petition had ever succeeded in Miami-Dade County and that all successful incorporations had been Commission-initiated. He spoke on the barriers facing parties interested in pursuing incorporation, specifically the difficulty of obtaining signatures from 20–25% of resident electors and the financial resources required to complete the process.

Commissioner Moss then inquired about the rationale for limiting participation in annexation votes to eligible registered voters within the proposed area, to the exclusion of business owners.

Mr. Fernandez deferred to the County Attorney's office on that question.

ACA Valdes advised that there were constitutional concerns with expanding the right to vote to property owners who were not registered voters, noting that voting rights in referenda were typically reserved for registered voters residing within the area. He further noted that practical questions, such as how to apportion votes among property owners, whether by parcel or by some proportional measure, would also need to be resolved.

Discussion ensued between Commissioner Moss and ACA Valdes regarding voting rights and the constitutional concerns associated with allowing property owners to participate in annexation

and incorporation votes.

In response to Commissioner Moss's question, ACA Valdes affirmed that most annexations within the State of Florida were under the control of the State.

In response to Commissioner Moss's follow-up question regarding whether the State of Florida had any provisions allowing property owners, rather than registered voters, to participate in such decisions, ACA Valdes clarified that US Supreme Court precedent held that local governments were subdivisions of the State and subject to its authority. As such, any popular vote on such matters would be at the State's discretion rather than by requirement, meaning the State could theoretically annex, incorporate, or adjust territory without the consent of those affected. ACA Valdes further advised that he was not aware of any instances in Florida where the State legislature had allowed property owners, as distinct from registered voters, to participate in such a process.

Mr. Fernandez clarified that for proposed annexation areas with fewer than 250 resident electors, the County was required to conduct a property owner survey, which the Chairman noted was advisory in nature and could be disregarded by the Board.

In response to questions from Mr. Jimenez, Mr. Fernandez advised that the annexation of the Dolphin Mall area to the City of Sweetwater had required a vote as the proposed area contained more than 250 resident electors, and that the proposed annexation area along NW 54th to 74th Street contained no resident voters. He also clarified that the County was not involved in determining district boundaries.

Discussion ensued between Mr. Jimenez and Mr. Fernandez regarding signature requirements for proposed annexation areas.

Mr. Jimenez noted the difficulty of developing a workable formula to expand voting rights and the time required to survey an area.

Mr. Fernandez advised that the County had conducted only one property owner survey in the history of annexations and had received responses from approximately 40 to 50 percent of landowners.

Mr. Jimenez questioned the effect on a municipal budget when the County retained franchise fees and utility taxes in their entirety.

Mr. Fernandez advised that the Code required the County to retain those revenues to cover debt service obligations, though he acknowledged the Code could be amended. He noted that municipalities had historically accepted this arrangement as standard practice and had never raised objections to it. He stated that UMSA's debt service rate was currently 1.9 mills, with approximately two to three municipalities below that rate and the remainder above it, depending on their level of services, and offered to provide that information to the Task Force.

Discussion ensued between Mr. Jimenez and Mr. Fernandez regarding the division of services when a municipality annexes an area.

Mayor Dieguez expressed objection to the County's moratorium on incorporations and annexations, particularly in cases where municipalities were seeking to annex adjacent commercial areas to provide property tax relief to their residents, citing the City of Miami Springs as an example. He noted that such applications could serve the additional purpose of diversifying a municipality's tax base. Mayor Dieguez stated that he understood the rationale for excluding business owners from the vote, as most did not reside within the proposed annexation area. He recommended that the County reconsider its moratorium to preserve residents' right to self-determination, and noted that members of the Palm Springs North community had expressed interest in annexation to Miami Lakes.

Discussion ensued between Chairman Kerbel and ACA Valdes regarding how best to address the issue of voting rights in the context of annexations and incorporations.

In response to Chairman Kerbel's invitation, a representative from the Miami-Dade Sheriff's Office advised that the department's transition to a constitutional office had not changed the associated budget costs, as the requirements and personnel costs remained the same and continued to be submitted through the same application processes.

Task Force members discussed with the Sheriff's Office representative the assignment of police officers to municipalities and the chain of command. The representative clarified that day-to-day operations for municipalities had not changed, and that majors and officers assigned to a municipality operated under the direction of that municipality for daily functions. She explained that for administrative purposes, such as facilitating personnel matters, transfers, and resource allocation, police majors fell under the Sheriff's Office table of organization. Mayor Dieguez confirmed this characterization, noting that while majors and officers remained within the Sheriff's organizational structure, they took direction from the municipality's town manager and council for operational matters.

Commissioner Moss advised that his support for incorporations had developed after concluding that municipalities were better positioned to provide higher levels of service to their residents. He expressed concern, however, about annexations in which incorporated cities targeted commercial properties, the primary tax base, leaving insufficient revenue for future incorporation efforts in surrounding unincorporated areas.

In response to Chairman Kerbel's question regarding whether the voting rights framework should apply differently to incorporations versus annexations, Commissioner Moss indicated that the issue of business owner participation had been more pronounced in annexations than incorporations during his time in office. He expressed support for continuing the survey process for proposed annexation areas and suggested that alternative approaches to the incorporation process warranted discussion, given that no resident-initiated petition had ever succeeded. He reflected that communities deserved the opportunity to at least vote on whether they wished to incorporate, and noted the positive results he had observed in areas that had done so.

Chairman Kerbel noted that he was still developing a proposal on a related issue to bring forward at a future meeting.

Ms. Wakefield commented that Commissioner Moss's remarks raised the question of what would happen to areas left behind as incorporations and annexations proceeded, particularly those that no municipality wished to absorb. Using the High Pines and Little Gables situation as an example, she suggested the County should consider how to approach incorporations and annexations with an eye toward avoiding isolated, underserved pockets, and noted that revenue neutrality alone may not be the right framework for addressing that concern.

Commissioner Moss responded that this had been precisely his position, that if a city sought to annex a desirable area such as High Pines, it should also be required to take on adjacent areas like Little Gables. He noted that cities naturally sought to annex high-value commercial properties to strengthen their tax base, but that doing so at the expense of the surrounding unincorporated area left those areas with diminished revenue and a reduced level of services.

In response to Chairman Kerbel's question regarding whether the Task Force wished to address non-elector input through the Charter, Mr. Jimenez stated that while he had raised the issue for discussion, he had concluded it was too complicated to address through Charter language and would be better suited to Chapter 20 of the Code. He stated that the more important priority was addressing the creation of enclaved areas, and recommended that the Charter include language expressly prohibiting incorporations or annexations from creating enclaves. He cited the situation of Little Gables, surrounded on all sides by incorporated cities yet remaining unincorporated, as an example of the operational inefficiencies such enclaves created for fire rescue and other emergency services.

Chairman Kerbel indicated that he favored a more minimal approach, ensuring that the Code contained a mandatory mechanism to assess the impacts of incorporation and annexation proposals on non-residential electors and non-electors, and that the existing survey process be preserved and protected from repeal.

Mr. Jimenez elaborated on his support for requiring surveys of non-resident property owners, noting that commercial property owners often had deep ties to an area, paying taxes and operating businesses there long before incorporation, and deserved to be consulted on decisions that would affect them. He proposed that the survey requirement be elevated from the Code into the Charter, and that it explicitly require non-resident property owners to be surveyed.

Chairman Kerbel directed that this issue be placed on the next Task Force agenda and that the County Attorney's office provide its opinion.

Mayor Losner expressed his personal view that the public's interest in annexation and incorporation reflected concern about the County's ability to maintain service levels in certain areas and a broader question of confidence in County government. He noted that Pinecrest, Cutler Bay, and Palmetto Bay had been able to cherry-pick favorable areas when incorporating.

He also raised the possibility of increasing the voter approval threshold for annexation and incorporation from 50% to 60%, suggesting that a higher threshold would ensure broader consensus and reduce the risk of a narrow majority imposing a new tax burden on non-resident property owners.

Discussion ensued among Task Force members regarding the inclusion of certain areas in incorporations and the challenge of achieving revenue neutrality.

Commissioner Moss reiterated that the issue was not the quality of County services per se, but rather that the County was not structurally designed to deliver the kind of localized, city-level services that municipalities could provide. He drew on his experience representing Commission District 9 to illustrate the difference, and stated that he would not object to representing an area that included a challenging neighborhood like Leisure City, as he believed such areas could be improved under the right governance structure.

Mayor Losner raised an additional concern regarding changing dynamics in South Dade, particularly the proliferation of high-density developments along the US 1 corridor that were at least partially non-taxable yet would generate significant demand for police and fire services. He cautioned that this trend, combined with any prohibition on enclaving, could effectively stall future incorporation and annexation efforts in the area due to an insufficient tax base relative to service demands, and characterized this as a growing layer of financial risk for the County.

Discussion ensued between Chairman Kerbel and Mayor Losner regarding the financial implications of high-density development in South Dade.

Chairman Kerbel advised that he was inclined against overly prescriptive Charter recommendations given the complexity of the legislative issues involved and directed the County Attorney's office to provide additional information at the next Task Force meeting.

Hearing no further discussion on the matters of incorporation and annexation, the Task Force proceeded to the next agenda item.

B. Article 7

Mr. Zizold presented a PowerPoint presentation on the Miami-Dade Parks Department, its governance, and Article 7. He explained that the department operated under a two-tier system, providing park services at a regional level for the County's 2.8 million residents and at a local level for the 1.4 million residents of UMSA, with area-wide parks such as Crandon Park and greenway trails serving the broader county population, and smaller neighborhood and mini parks serving local communities.

Mr. Zizold described the department's mission to create outstanding experiences to enhance the quality of life for the community and its vision to connect people and parks for life, noting that the department served 2.8 million county residents, 1.4 million UMSA residents, and approximately 27 million county visitors annually. He highlighted the department's significant

scale, noting that it was the first nationally accredited park system of its size in the country, operating more than 300 parks across 40,000 acres, 60 recreation centers, and over 70 miles of beach. He noted that the department's aquatic facilities and marinas served hundreds of thousands of residents annually, and that Zoo Miami alone drew close to 1 million visitors per year, contributing $20 million directly to the County and generating an estimated $464 million in broader economic impact.

Mr. Zizold described the three guiding policy documents governing the department's operations: 1. Article 7 of the Charter, 2. the Comprehensive Development Master Plan, including its Recreation and Open Space element, and 3. the Parks Open Space Master Plan, the vision and guiding principles of which were adopted by the BCC and incorporated into the Recreation and Open Space element.

Mr. Zizold reviewed the history of Article 7, explaining that its provisions were originally adopted in 1993 as Article 6 of the Charter through a citizen-initiated petition, commonly known as the Save Our Parks Amendment, in response to growing pressure during the 1980s and 1990s to develop parkland for commercial purposes, including proposals for hotels, nightclubs, and housing. He noted that the provisions were renumbered to Article 7 in the early 2000s, and that a 2012 referendum, requiring a two-thirds majority for approval, resulted in amendments allowing libraries within parks, exempting the original soccer park from Article 7 restrictions, and enhancing protections for certain reserved lands. He further noted that in 2022, the BCC established a rule requiring a supermajority for county ballot questions related to Article 7, aimed at ensuring broader consensus for proposed changes. He stated that Article 7 protected land acquired for park purposes, required that all uses within parkland serve a public park purpose, and prohibited the commercialization of parks, and noted that it was the only County department to have had a separate referendum unanimously approved by the public to set standards for how parks were planned, developed, and stewarded.

Chairman Kerbel asked whether any Parks Department projects had encountered difficulties due to restrictions imposed by Article 7, referencing the Metro Zoo as one past example.

Mr. Zizold responded that Article 7 was functioning as intended and aligned with the community's wishes, ensuring that parks were protected in perpetuity and that non-park uses and commercialization were prevented. He advised that the department had no recommendations for revisions to Article 7.

Ms. Escarra raised concerns about the potential impact of State-level property tax changes on parks funding, noting that the department represented one of the County's largest budget areas and could be significantly affected. She referenced media reports about the County considering parking fees at parks as a revenue measure and asked what alternative funding opportunities, such as bed tax revenues or other dedicated sources; might be available to sustain park services. Mr. Zizold acknowledged that funding had always been a challenge for the department and that current conditions had made it more pressing. He noted that the department was exploring the possibility of establishing a dedicated funding source for parks and continued to pursue

partnerships with other agencies to support services and park development, all within the constraints of Article 7.

Ms. Escarra encouraged Mr. Zizold to review Article 7, relevant studies, and available opportunities to identify areas where the Task Force might be able to provide assistance, and asked that the department return with information on its financial needs and possible options the Task Force could recommend to address them.

In response to Ms. Escarra's questions regarding utilities on parkland, Mr. Zizold clarified that underground utilities did not generally present an issue under Article 7. He noted that above-ground utilities were permitted under Article 7's exceptions, provided they primarily served park facilities, citing pump stations as a common example.

Discussion ensued among Chairman Kerbel, Ms. Escarra, and Mr. Zizold regarding how the department determined whether a proposed utility met that standard, with Mr. Zizold explaining that the department worked directly with utility providers to assess the scope and reach of their service.

Mr. Eikenberg noted that the Task Force had previously identified certain outdated references within Article 7, such as the designation of "Metro Zoo" rather than "Zoo Miami", that were already being addressed through a practical amendment.

In response to Mr. Eikenberg's question regarding the current total amount of deferred maintenance for county parks, Mr. Zizold advised that he did not have the precise figure available but acknowledged it was substantial, noting that the department managed more than 300 parks with aging infrastructure and was working with OMB to identify resources to address those needs. He committed to providing the exact figure at a later time.

In response to a question regarding the Parks Advisory Board, Mr. Zizold confirmed that a Citizens Parks Advisory Board existed. The Task Force member suggested it could be useful to hear from the Advisory Board, as strong advocates for county parks, regarding any recommendations they might have for Article 7.

Chairman Kerbel asked that the Parks Advisory Board be invited to the Task Force's next meeting at County Hall to share its perspective and any suggestions it wished to offer.

Ms. Escarra asked Mr. Zizold to have the department review its finances and identify existing opportunities, including expiring leases, bed tax potential, and other revenue possibilities, that the Task Force could recommend to address the department's funding needs, encouraging the department to think creatively within the bounds of Article 7.

Hearing no further discussion on Article 7, the Task Force proceeded to the next agenda item.

V. Comments/Discussion by Task Force Members

A. Clerk's Meeting Minutes – None presented

B. Other Discussion Items

Ms. Galvez reminded the Task Force members of the Clerk's Office proposal regarding Section 6.05 of the Charter, which had been raised at the Task Force's first meeting. She explained that the proposal sought to modify the Clerk's role in the petition process, specifically by transferring to county administration certain functions currently assigned to the Clerk, including reviewing petition forms, verifying boundaries, and confirming their accuracy.

Chairman Kerbel acknowledged the reminder and inquired whether proposed language was readily available.

ACA Valdes advised that the matter had been tabled at the prior meeting because it involved policy considerations beyond a simple ministerial change, namely, whether the County wished to divest the Clerk of those responsibilities and, if so, which entity would assume them.

Chairman Kerbel indicated he was not seeking a motion on the matter that evening but wished to have proposed language available for the next meeting so the Task Force could review it in advance.

Ms. Galvez confirmed the Clerk's Office would prepare proposed language for the Task Force's consideration, and Chairman Kerbel requested that it be submitted to staff in advance of the next meeting so it could be circulated with the agenda.

Ms. Escarra suggested that the proposed language also be shared with the Mayor's Office for review and input.

Chairman Kerbel concurred, directing that the administration team review the language and provide its best recommendation.

Ms. Galvez clarified that the Clerk's proposal was intended to improve efficiency in the incorporation process, specifically in how information was reviewed, processed, and routed, and was not intended to create additional complexity.

Chairman Kerbel announced that the Task Force's next meeting would be held on March 24, 2026, at 10:00 a.m. in the County Commission Chambers, 111 NW First Street, Second Floor, Miami, Florida.

VI. Adjournment

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting was adjourned at 7:25 p.m.

Chairman Dennis Kerbel

BOARD OF COUNTY COMMISSIONERS
CHARTER REVIEW TASK FORCE
February 23, 2026

Prepared by: Flora Garcia

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	Agenda
IV.A	Incorporation and Annexation in Miami-Dade County Presentation made by the Office of Management and Budget (OMB)
IV.B	Article 7 Home Rule Amendment and Charter Presentation made by the Parks, Recreation & Open Spaces (PROS)

Miami-Dade County Charter Review Task Force Agenda
Preliminary Version
Monday, February 23, 2026
5:30 PM
Westchester Regional Library, Auditorium

I. Roll Call

II. Pledge of Allegiance

III. Listening Session and Reasonable Opportunity for the Public to be Heard

IV. Presentations from Staff

A. Annexation/Incorporation
B. Article 7

V. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes
B. Other Discussion Items

VI. Adjournment

Attachments
Attachment 1: Annexation/Incorporation
Attachment 2: Article 7

ATTACHMENT 1

Incorporation and Annexation in Miami-Dade County

February 2026

MIAMI-DADE COUNTY

- Annexation
  - Also known as a municipal boundary change, is the process whereby the boundaries of a city are changed, usually to include additional land
- Incorporation
  - Is the process whereby a new municipality is formed

MIAMI-DADE COUNTY

History

- In 1957, the Miami-Dade County Home Rule Amendment and Charter was adopted and it provides that the County has authority over annexation and incorporation matters.
- Article 6 of the Charter provides incorporation and annexation guidelines and requirements.

MIAMI-DADE COUNTY

Incorporated Area v. UMSA

- At the time of Charter adoption, 26 municipalities were in existence. Approximately 35% of the County's population lived in the unincorporated municipal service area (UMSA).
- Prior to the incorporation of Miami Lakes in 2000, 30 municipalities were in existence and 53% of the population lived in UMSA.

Key Biscayne 1991	Aventura 1995	Pinecrest 1996
Sunny Isles Beach 1997	Miami Lakes 2000	Palmetto Bay 2002
Doral 2003	Miami Gardens 2003	Cutler Bay 2005

- Today there are 34 municipalities and about 43% of the population lives in UMSA.

MIAMI-DADE COUNTY

Charter Requirements

- Section 6.04 - Changes In Municipal Boundaries
  - BCC may effect a boundary change after obtaining the approval of the municipal governing bodies concerned, after hearing the Planning Advisory Board (PAB) recommendation and after a public hearing; if there are over 250 resident electors in the area being considered, an affirmative vote of these electors is required.

MIAMI-DADE COUNTY

Charter Requirements

- Section 6.05(A) - Creation of New Municipalities
  - The BCC may authorize the creation of a new municipality in the unincorporated areas of the County after hearing the recommendations of the PAB, after a public hearing, and after a majority vote of the electors residing within the proposed boundaries.

MIAMI-DADE COUNTY

Previous Charter Changes

- On November 8, 2012, the voters approved a change to the Miami-Dade County Charter to include an alternate process to incorporate by petition. In summary the new incorporation charter process is as follows:

- A minimum of five individuals (Incorporation Committee) may provide an incorporation petition to the Clerk of the Circuit Court
- The Incorporation Committee will have 90 days to deliver a municipal charter to the BCC for approval after public hearing
- Incorporation Committee will have six months to gather notarized signatures from 20 percent of the registered voters within the proposed incorporation area from the date the BCC has reviewed the petition
- During the 60 days following the certification of the petition, the BCC will complete a budgetary analysis and schedule a public hearing
- Petition would be presented to the BCC, which will hold a public hearing and decide whether to call an election to authorize the creation of a new municipality

MIAMI-DADE COUNTY

Code Requirements

- Chapter 20 of the Code of Miami-Dade County governs the Annexation and Incorporation process.

MIAMI-DADE COUNTY

Recent Code Changes

- On October 6, 2022, Ordinance #22-127 approved amendments to Chapter 20 of the Code:

- For boundary changes and incorporations written notices are sent to registered voters, property addresses, and owners within the affected area and within 600 feet.
- Adjacent municipalities are sent notice where applicable.
- Initiators (municipality, individual, or group) must pay notice costs.
- Owners of rental properties are encouraged to provide courtesy notice to tenants (e.g., posting in common areas)
- Adds a formal property-owner survey for small boundary changes.
- Imposes clearer procedures, timelines, and fiscal disclosure requirements throughout the process.

MIAMI-DADE COUNTY

Previous BCC Actions

- On February 27, 2014, the BCC adopted Ordinance 14-18 changing the petition requirements for annexations from 25 percent to 20 percent.
- On February 27, 2014, the BCC adopted Ordinance 14-19 removing the Planning Advisory Board Boundaries Committee review requirement.
- On February 19, 2025, the BCC adopted Ordinance 25-13 suspending consideration of proposed incorporations for two years and four years on proposed annexations, and exempting North Central MAC, Florida City annexation of area "J" and Doral annexation of area 15.

MIAMI-DADE COUNTY

Non-Revenue Neutral Municipalities

- Three out of the five municipalities that have incorporated since 2000 were non-revenue neutral areas at the time the Board set an election among the registered voters seeking incorporation:
  - Miami Lakes
  - Palmetto Bay
  - Doral

MIAMI-DADE COUNTY

Non-Revenue Neutral Municipalities

- As a condition of incorporation, these municipalities agreed to pay a portion of their ad valorem revenues to offset the revenue loss to the unincorporated area as a result of their incorporation.
- The amount charged to the municipalities was based on a portion of difference between the revenues and expenses attributable to that area, and the figures were based on an analysis done approximately two years prior to the time of incorporation.

MIAMI-DADE COUNTY

Mitigation

- The County has phased out the mitigation payments from all of the newly incorporated municipalities.
- The municipalities paid into the Municipal Service Trust Fund for a total of seven years.

MIAMI-DADE COUNTY

Prior Attempts to Incorporate UMSA

- In November 1997, the BCC considered an intent resolution to incorporate or annex the remaining unincorporated area by December of 2007 – no action was taken.
- In April 2002, another intent resolution was considered by the BCC to incorporate or annex the unincorporated area by January 2018 – this resolution failed by a 5-6 vote.

MIAMI-DADE COUNTY

Annexation Process

- The annexation process can be initiated by the Planning Advisory Board, the Board of County Commissioners, a governing body or a group or individual
- In the case of a governing body, the proposed boundary change process is initiated by a resolution from the municipality *after* public hearing
- Three copies of resolution and proof of compliance with notice requirements must be filed with the Clerk of the Board
- Some annexation submittal requirement include:
- 20-3(A) Accurate legal description of land area
- 20-3(B) Map or survey sketch showing location of area involved, existing boundaries of municipality affected, and indicating relation of area to existing municipal boundaries
- 20-3(C) Certificate of County Supervisor of Elections certifying that area involved contains either more or fewer than 250 qualified electors
- 20-3(D) Statement setting forth grounds or reasons for proposed boundary change
- 20-3(E) A statement declaring whether an enclave borders the municipality and whether the proposed boundary change includes such enclave

MIAMI-DADE COUNTY

Annexation Process

- 20-3(F) Additional information
  - Land use plan and zoning – regardless of area size or state of existing development
  - List of services to be provided – described in detail the character and amount of services which the municipality would provide to the area if annexed. The discussion of service levels shall take into account not only existing development but changes in the character and extent of development which may be reasonably anticipated in the near future based on the land use plan and zoning for the area as submitted by the municipality
    - Police and Fire protection
    - Water supply and distribution
    - Facilities for the collection and treatment of sewage
    - Garbage and refuse collection and disposal
    - Street lighting, construction and maintenance
    - Parks and recreation facilities and services
    - Building inspection
    - Zoning administration
    - Local planning services
    - Special services not listed (stormwater management, and housing and economic development)
    - General governments
  - Timetable for supplying services in terms of how soon after annexation

MIAMI-DADE COUNTY

Annexation Process

- Financing of services
  - Include estimated cost of providing, maintaining, and operating service in addition to the methodology used to arrive at the estimate
- Tax load on area to be annexed
  - Narrative, including estimated figures, direct and indirect tax revenues from area sought before and after annexation
  - Appraisal of tax impact on property owners and business in area and within municipality
  - Identification of any areas designated as terminals in the County's Adopted Land Use Plan Map ("terminals"). The municipality shall set forth the following information in its annexation petition:
    - a. The reason that any area designated terminals and areas located within one-half (½) mile surrounding any area designated terminals ("surrounding areas") should be annexed to the municipality;
    - The impact that annexation may have on the operation and future development of facilities within any area designated terminals and surrounding areas;
    - The municipality's assessment of the present and future importance to the economy, job generation, and future development of the County and the region of any area designated terminals and surrounding areas proposed to be included in the area annexed;
    - Whether the land uses within areas designated terminals and surrounding areas are compatible with adjacent land uses within the annexing municipality; and
    - A proposed Interlocal Agreement with the County which would include provisions agreeing to the County's retention of master plan and regulatory control over any area designated terminals and surrounding areas, which shall set forth with specificity the limitations and conditions to be imposed on the municipality's jurisdiction of the area proposed for annexation.

MIAMI-DADE COUNTY

Annexation Process

- 20-3(G) Certificate from Director, Planning and Zoning certifying that in his or her sole determination the area sought having two hundred fifty (250) or fewer registered electors is more than fifty (50) percent developed residential
- 20-3(H) A petition filed with the Clerk of the County Commission indicating the consent of twenty (20) percent of the electors in the area proposed for annexation provided however, no petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors
- The application is filed with the Clerk of the County Commission
- The Clerk of the County Commission will as appropriate place the matter on the official agenda of an ensuing BCC meeting
- The Clerk of the County Commission will notify the municipality of the date when the matter will be considered
- The County Commission may refer the proposed boundary change application to the Planning Advisory Board (PAB) for review, study and recommendation
- Statements contained in annexation application will be reviewed by appropriate County departments
- A report will be written and sent to the Planning Advisory Board for their review and recommendation
- If referred to the Planning Advisory Board, the PAB will hold a public hearing in which all property owners within the annexation area and 600' thereof will be notified of the hearing
- The County Mayor would review the staff report and issue a recommendation

MIAMI-DADE COUNTY

Annexation Process

- The report and the recommendations from the Planning Advisory Board may be forwarded to the BCC
- The BCC Committee may hold a public hearing on the application
- The BCC Committee may forward its recommendation to the BCC
- The BCC may entertain the application and may accept, amend or reject

If accepted or amended.....

- The BCC may direct the Supervisor of Elections to schedule an election for the area's registered electors (if applicable)
- The BCC may direct the County Attorney to prepare an ordinance changing the municipality's boundaries along with the required interlocal agreement
- The ordinance may go to the BCC for transmittal to the BCC Committee
- County staff negotiates the interlocal agreement governing the annexation area
- The Committee may hold a public hearing on the boundary change ordinance
- The Committee may forward the boundary change ordinance to the BCC
- If approved, ordinance goes into effect ten (10) days later

MIAMI-DADE COUNTY

Annexation Requirements

- Retention of County Fire and Library services indefinitely
- Retention of garbage and refuse collection and disposal
- Retention of utility taxes
- Retention of franchise fees
- Responsible for bond indebtedness
- Areas of countywide significance – County will retain jurisdiction
- Retain authority to modify or delete restrictive covenants

MIAMI-DADE COUNTY

Incorporation Process

- Sec. 20-20. - Petition for incorporation initiated by individual or group; Creation of Municipal Advisory Committee related to petition
- An individual or group of area residents may file a request for approval of the form of a petition with the Clerk of the Board
- The petition form shall provide for the following information about the proposed municipality:
  - General description and map of area boundaries, and
  - Statement of the reason for seeking incorporation.
- The Clerk informs the BCC that a request to approve the form of a petition for incorporation and authorize the circulation of such petition has been received. The BCC may approve the form of the petition and may authorize the petitioners to circulate the petition for incorporation and obtain signatures of resident electors within the area
- In order for the submitted petition to be complete, the petition shall include consent from no less than twenty (20) percent of the electors in the area proposed for incorporation
- Signed petitions shall be submitted to the Clerk of the Board within 90 days of the date the County Commission approves the form
- The Clerk transmits a copy of the petition to the Office of Management and Budget for determination of completeness in accordance with the requirement of subsection (A)(1) and to the Supervisor of Elections for certification as to the sufficiency of signatures on the petition

MIAMI-DADE COUNTY

Incorporation Process

- The Clerk notifies the BCC that the petition is complete and contains sufficient signatures. The County Commissioner whose district comprises the majority of the area proposed to be incorporated by the petition, may sponsor an item to create a Municipal Advisory Committee ("MAC")
- The BCC may also initiate incorporation proposals which would not require a petition of the area residents
- The MAC studies the feasibility and desirability of creating a municipality, it is created by ordinance
- Upon completion of the MAC study, the Clerk submits the MAC report to the BCC and the district commissioner may motion to have the report scheduled to be considered by the PAB
- Statements contained in the MAC study will be reviewed by appropriate County departments
- A staff report will be written and sent to the Planning Advisory Board for their review and recommendation
- The Planning Advisory Board holds a public hearing on the incorporation proposal
- The County Mayor reviews the recommendations and staff report and issues a recommendation

MIAMI-DADE COUNTY

Incorporation Process

- The report and the recommendations from the County Mayor and the Planning Advisory Board to be forwarded to the BCC
- The BCC Committee may consider the legislative item and make a recommendation to the full BCC
- The BCC may entertain the incorporation at a public hearing and may accept, amend or reject it

- If accepted or amended.....
- The BCC may call for an election for the area's registered electors
- Upon an affirmative vote of the area's resident electors, the BCC may approve the incorporation
- The BCC will appoint a charter commission and the proposed charter will be placed on a ballot for the resident electors to consider
- If the charter is adopted by the electors, the municipality is created

MIAMI-DADE COUNTY

Incorporation Requirements

- Retention of garbage and refuse collection and disposal
- Remain within the Miami-Dade Fire Rescue District in perpetuity
- Remain within the Miami-Dade Library System in perpetuity
- Have revenue neutral boundaries or make a payment to the Municipal Services Trust Fund
- Incorporation of any commercial, business, or industrial area will require 100 percent of the net excess revenues paid to the County
- Responsible for bond indebtedness (Stormwater, QNIP)
- Areas of countywide significance – County will retain jurisdiction
- Retain authority to modify or delete restrictive covenants

MIAMI-DADE COUNTY

Financial Information

MIAMI-DADE COUNTY

APPENDIX E: UNINCORPORATED MUNICIPAL SERVICE AREA
GENERAL FUND REVENUE
(in thousands of dollars)

REVENUE SOURCE		Net 2025-26 Adopted
TAXES		
General Property Tax		$ 245,633
Utility Tax		129,939
Communications Tax		27,389
	Subtotal	402,961
BUSINESS TAXES		
Business Taxes		$ 6,052
	Subtotal	6,052
INTERGOVERNMENTAL REVENUES		
State Sales Tax		$ 115,331
State Revenue Sharing		48,210
Alcoholic Beverage License		191
	Subtotal	163,732
INTEREST INCOME		
Interest		$ 4,227
	Subtotal	4,227
OTHER		
Administrative Reimbursements		$ 17,258
Miscellaneous		4,150
	Subtotal	21,408
TRANSFERS		
Transfers		$ 81,603
	Subtotal	81,603
CASH CARRYOVER		
Cash Carryover		$ 50,282
	Subtotal	50,282
	TOTAL	$ 730,265

Financial (UMSA Budget) Revenues

Revenue Detail

Ad Valorem Taxes: Municipalities may levy up to 10 Mills for municipal purposes pursuant to s. 200.071, F.S. Currently the county levies 1.9283 mills in UMSA.

Utility Taxes: a local government operating a utility may charge fees for the services and products it provides. Currently FPL, Water and Sewer and gas companies pay this fee.

Communications Service Tax: This tax is distributed by the State and is based on the actual collections within a geographical area by service providers.

Franchise Fees: Franchise fee is fair rent for a utilities privilege to use the government right of way and consideration for the local government not to allow competition for the utility during the franchise term. Currently, there is no franchise agreement.

Business Taxes: Taxes paid by businesses in UMSA.

Local Government Half-cent Sales Tax: This program distributes net sales tax revenue to local governments that meet the requirements pursuant to s. 218.63 F.S. and s. 218.23 F.S.

State Revenue Sharing: State distributes a portion of sales and use tax collections to eligible municipalities. Currently USMA has a guaranteed minimum of $48.2 million.

Alcoholic Beverage Licenses: The State distributes a portion of the annual state license levied on manufacturers, distributors, vendors or brokers to the municipality and county where it was collected.

User Fees and Service Charges: Local governments can impose user fees and service charges to pay for a service as granted by the Florida Constitution. Charges for the services can include building permit fees, recreational fees, zoning fees, etc.

MIAMI-DADE COUNTY

Financial (UMSA Budget) - Expenses

UNINCORPORATED MUNICIPAL SERVICE AREA
GENERAL FUND EXPENDITURES

Office of the Mayor	$1,882,000
Board of County Commissioners (BCC)	10,082,000
Communications, Information and Technology	3,773,000
County Attorney	7,898,000
Environmental Resources Management	199,000
Internal Compliance	994,000
Management and Budget	1,295,000
Parks, Recreation and Open Spaces	58,817,000
People and Internal Operations	20,391,000
Regulatory and Economic Resources	233,000
Sheriff's Office	545,132,000
Transportation and Public Works	20,111,000
Non-departmental - Economic Development	8,156,000
Non-departmental - General Government	45,256,000
General Government Improvement Fund – General Government	932,000
General Government Improvement Fund – Neighborhood & Infrastructure	5,114,000
Total	$730,265,000

MIAMI-DADE COUNTY

Impact to UMSA

Based on FY 2024-25 Budget	Assumptions	(in millions)
Property Tax Revenue	Allocation based on tax roll & millage	$48,683
Sales Tax	Allocation based on $105.84 per person	$10,661
Utility Taxes	Allocated based on tax roll/population	
Communications Tax	Allocated based on tax roll/population	$4,056
Alcoholic Beverage License	Allocation based on $0.15 per person	$17
Business Tax		$33,800
Interest	Allocation based on .043% of total revenue	$51
Sheriff and Police Fees	Allocation based on population	$364
Administrative Reimbursement	Allocated based on tax roll/population	$2,573
Cash Carryover	Allocated based on tax roll/population	$6,620
Miscellaneous Revenues	Allocation based on $.38 per person	$109
Revenue to UMSA		**$106,932**
Cost of Providing UMSA Services		
Police Department UMSA Police Budget (without specialized)		$631,796
Parks, Recreation and Open Spaces Dept.	Based on cost of parks	$0
Right-of-Way Maintenance Centerline Miles	Centerline miles times cost per lane mile	$4,595
Policy Formulation Commission, Mayor, County Attorney	Direct Cost multiplied by 2.7%	$17,183
Internal Support Information Technology, Internal Services, Human Resources Communications, Audit and Management, Management and Budget	Direct Cost multiplied by 4.3%	$27,365
Planning and Non-Departmental Regulatory and Economic Resources, Rec. and Culture, Economic Development, Neighborhood Infrastructure	Direct Cost multipliplied by 6.88%	$43,784
Cost of Providing UMSA Services		$724,722
Net to UMSA		($617,790)

Thank You!

ATTACHMENT 2

MIAMI-DADE COUNTY

PARKS, RECREATION AND OPEN SPACES

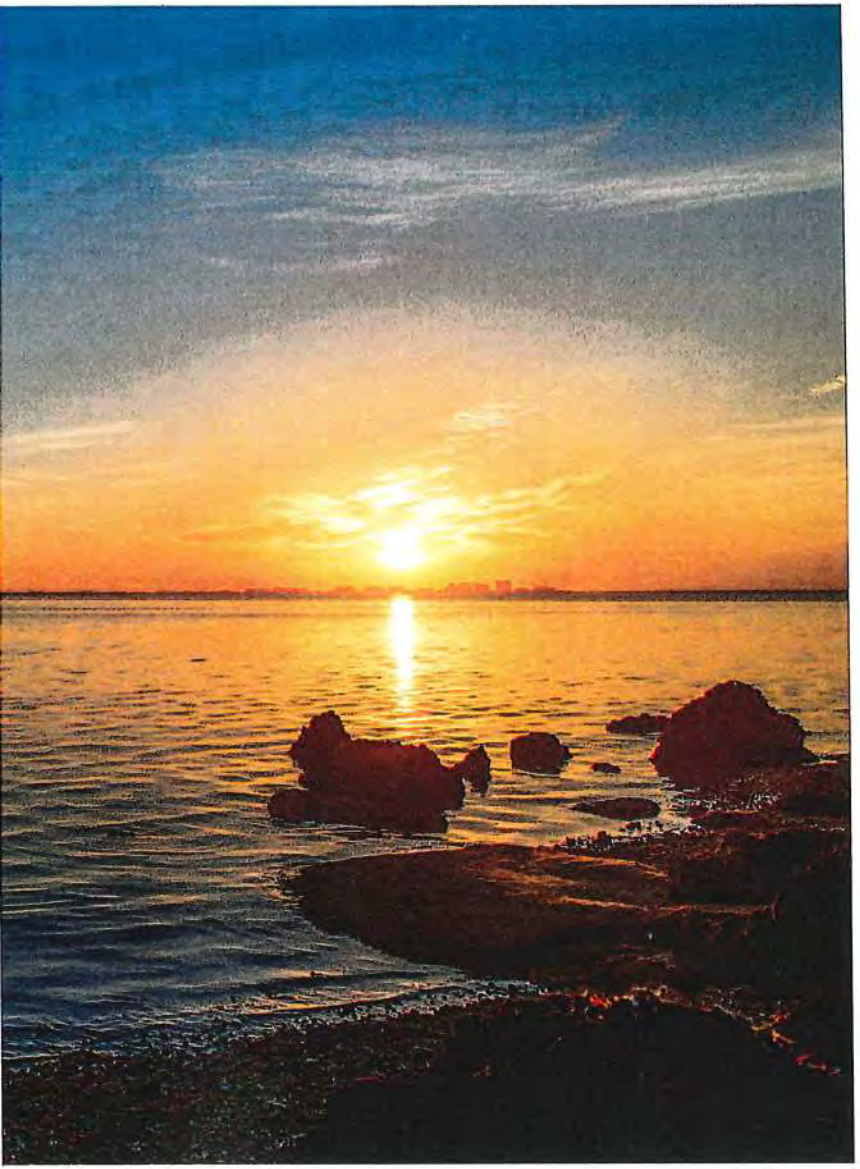
Article 7 Home Rule Amendment and Charter

February 23, 2026

AGENDA

1. Miami-Dade Parks
2. Governance
3. Article 7





TWO-TIER PARK SYSTEM

Operates as a county-wide park system serving 2.8 million residents and as a local parks department for UMSA serving 1.4 million

AREAWIDE PARKS

Meet the recreational needs of Countywide residents and visitors. Classified as metropolitan parks, natural area preserves, special activity areas, greenways and blueways

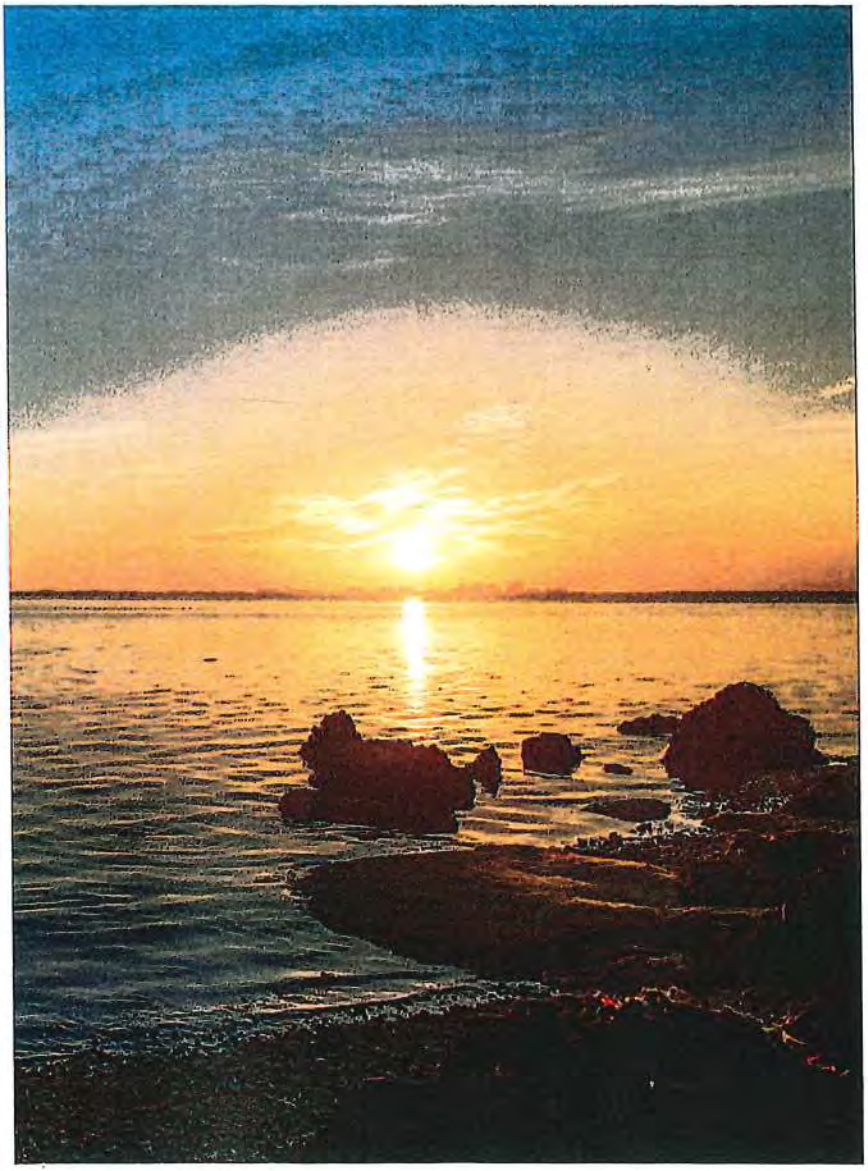
-Regional Parks, Heritage Parks, Beaches, and Special Areas that host 27 million visitors annually

LOCAL PARKS

Meet the close-to-home recreational needs of residents in UMSA. Classified as mini-parks, neighborhood parks, and community parks.

- Serving 1.4 million UMSA residents

1 Miami-Dade Parks



TWO-TIER PARK SYSTEM

Operates as a county-wide park system serving 2.8 million residents and as a local parks department for UMSA serving 1.4 million

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Meet the recreational needs of Countywide residents and visitors. Classified as metropolitan parks, natural area preserves, special activity areas, greenways and blueways

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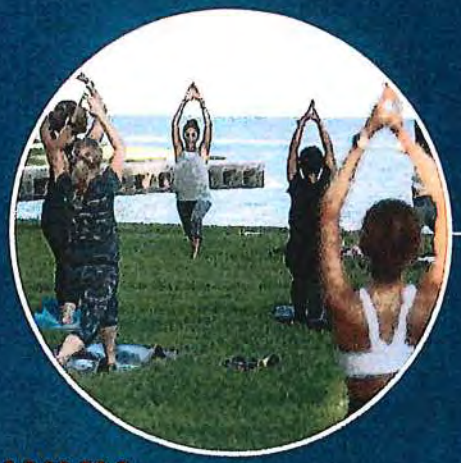
OUR MISSION & VISION

OUR MISSION

We create outstanding recreational, natural, and cultural experiences to enrich you and enhance the quality of life for our community for this and future generations.

OUR VISION

Connecting People and Parks for Life!



CUSTOMER

2.8 MILLION COUNTY RESIDENTS
1.4 MILLION UMSA RESIDENTS
27 MILLION COUNTY VISITORS

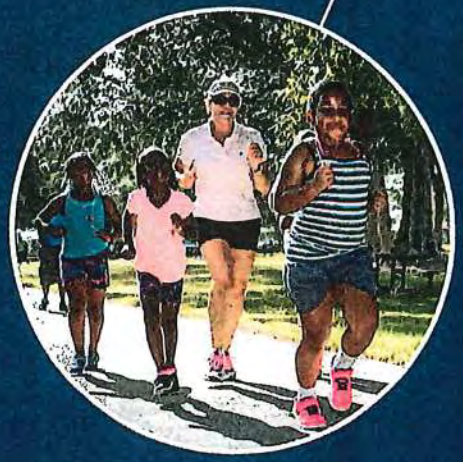


WHY

To deliver **health**, **happiness**, and **prosperity** to residents and visitors through outstanding park facilities and recreation programs.

HOW

Through **Performance Excellence** and **Sustainability** and our commitment to Sterling/ Baldrige management best practices.

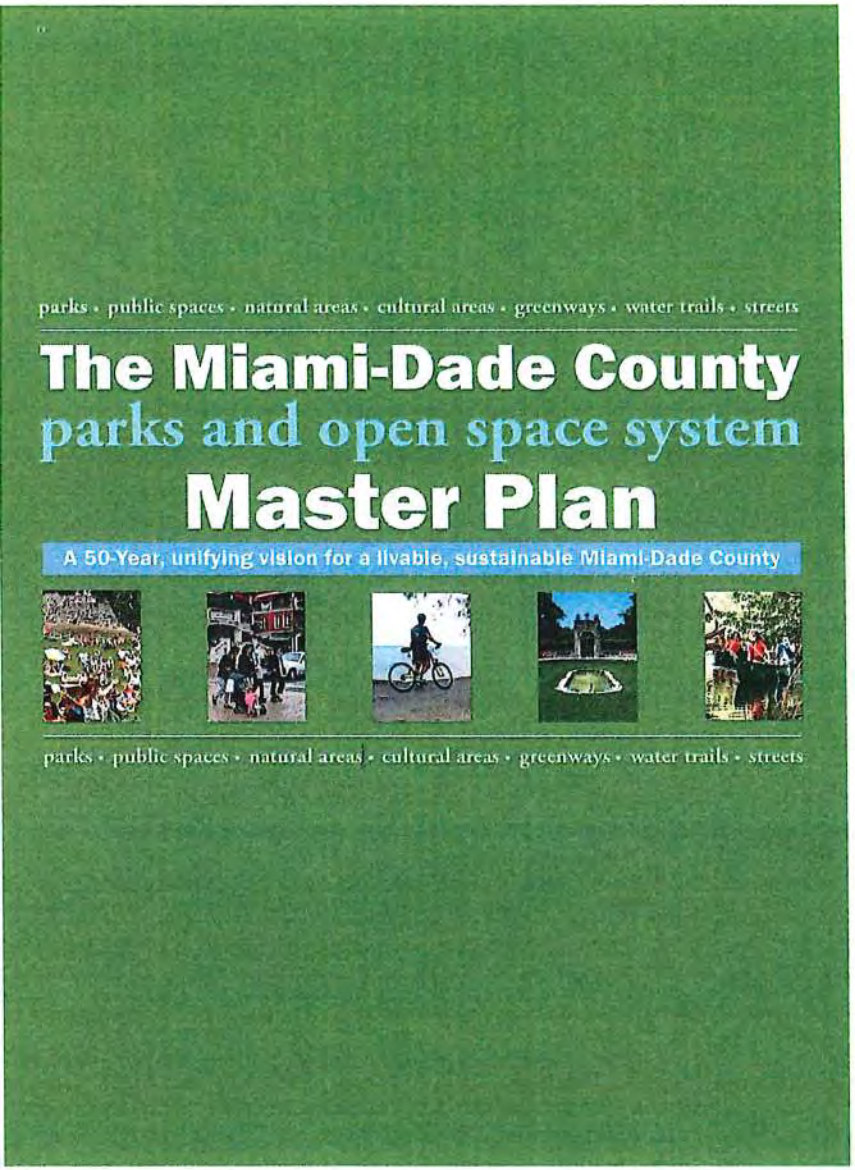


WHAT

Connect people and parks for life through **Placemaking**, **Health & Fitness**, and **Conservation & Stewardship**

2 Governance


1ST
Accredited Park System in U.S. Serving Over 2 Million
308
Parks Serving 2.8 Million Residents
40K
Acres of Passive, Active, and Environmentally Endangered Land
17+
Miles of Beaches Maintained
1,251
Buildings including 60 Recreation Centers
614
Fields and Courts
197
Miles of Greenways and Blueways, with 97 miles maintained by PROS
3,300
Miles of Rights of Way Beautification & Maintenance
$464M
Zoo Miami Economic Impact
103K+
Boat Launches Across 6 Marinas
203K
Golf Rounds Played Annually Across 5 Courses
45K+
Annual Trail Glades Range Visitors
54K+
Annual Campsite Rentals Across 4 Campgrounds
41K+
Visitors Across 6 Nature Centers
400K+
Swimmers Across 21 Pools
1,084
Special Taxing Districts

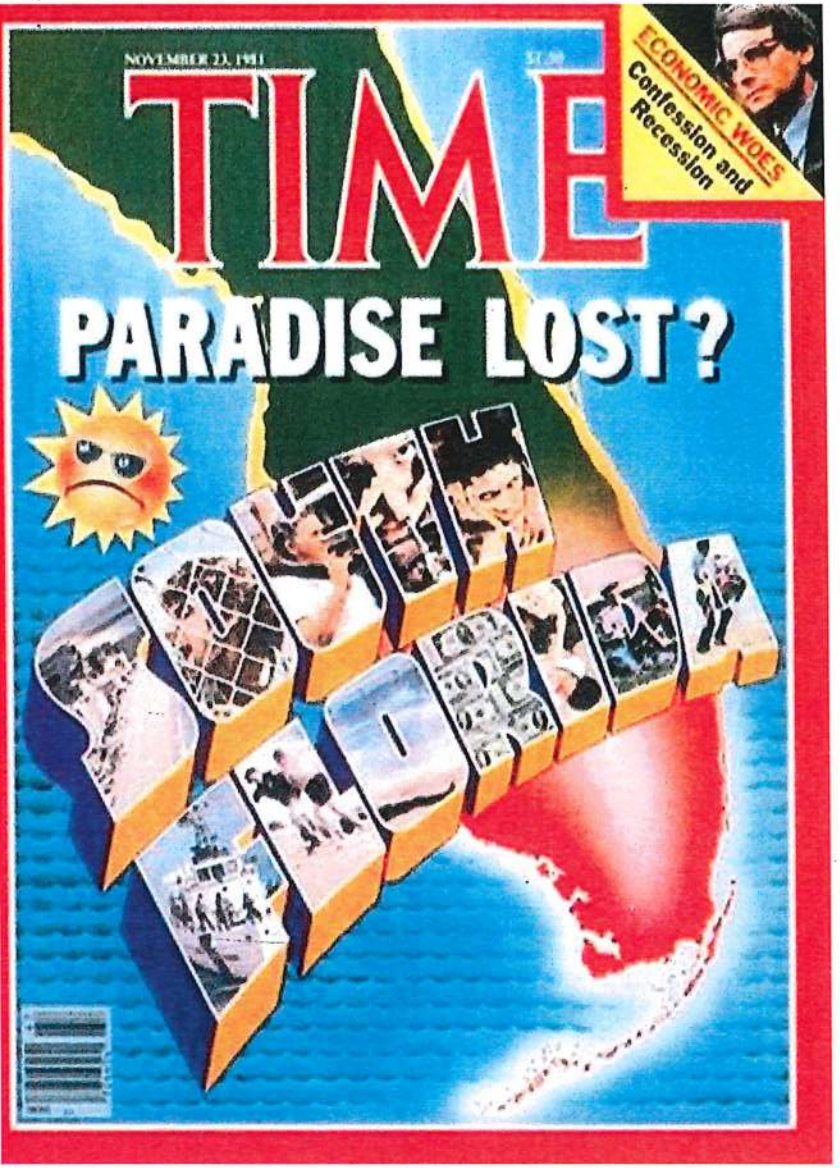


GOVERNANCE

GOVERNING POLICY AND PLANS

- Article 7 of Home Rule Amendment and Charter
- Comprehensive Development Master Plan
  - Recreation and Open Space (ROS) Element
- Parks and Open Space System Master Plan (OSMP)

3 Article 7



1980s & 1990s

COUNTY-WIDE

- Economic recession
- Rampant development
- Land up for grabs
- Boom & Bust Economy

PRESSURE TO USE PARKLAND FOR PROFIT BUSINESSES

- Hotels
- Nightclubs
- Housing

HISTORY OF ARTICLE 7

1993 — ADOPTION

Adoption of **Article 6** through a citizen initiative establishing parks protections and public trust. Required voter approval.

2002 — RENUMBER

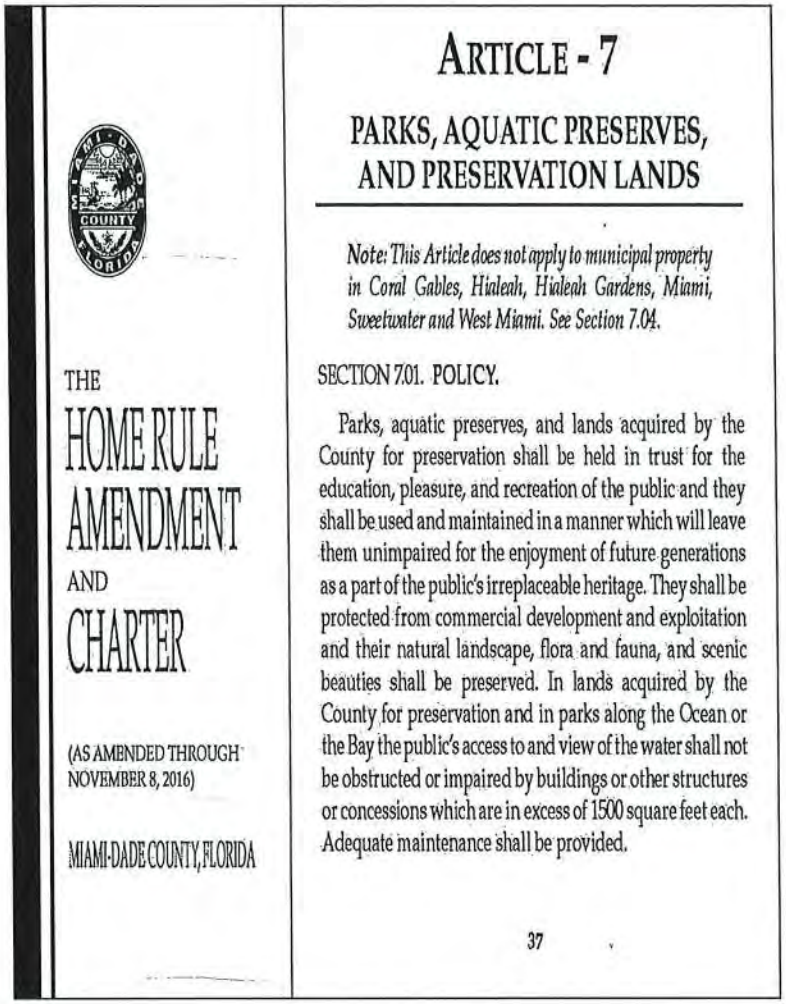
Broader Charter revision and structural renumbering. Wording of protections maintained. **Article 6 becomes Article 7.**

2014 — AMENDMENT

Clarification of permissible facilities (e.g., library uses at parks), refined preservation protections, and exceptions. Required voter approval.

2022 — PROCEDURE

Admin change to the board's procedure alters how amendments are proposed. The rule now requires a supermajority vote to place County ballot questions related to Article 7.



THE
HOME RULE
AMENDMENT
AND
CHARTER

(AS AMENDED THROUGH NOVEMBER 8, 2016)

MIAMI-DADE COUNTY, FLORIDA

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 1500 square feet each. Adequate maintenance shall be provided.

37

GUIDING DOCUMENTS

MIAMI-DADE COUNTY HOME RULE CHARTER ARTICLE 7

- Policy voted unanimously by the residents in 1993 referendum where all parks **"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."**

- This Policy is what the Department's mission, vision, values, CDMP/ROSE, and Parks Masterplan (OSMP) adopted by the BCC are founded on.

- Article 7 remains critically important and relevant today for protecting parks from inappropriate non-park uses and private for-profit interests.

Thank You!

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force (CRTF)

Stephen P. Clark Center – Commission Chambers
111 NW 1st Avenue, 2nd Floor
Miami, Florida
March 24, 2026
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Tomeka Law, Commission Reporter
(305) 375- 3864

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
MARCH 24, 2026

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its meeting at the Stephen P Clark Building, 2nd Floor Commission Chamber, 111 NW 1st St, Miami, FL 33128, on March 24, 2026, at 10:17 a.m.

I. Roll Call

Prior to the roll call, Deputy Clerk Tomeka Law advised that the Clerk of the Board (COB) had received notice that Mayor Andre Pierre, Mr. Robert Fernandez, Mr. Rafael Granado, Rebecca Wakefield, Mayor Joshua Dieguez and Vice Chairman Michael D. Redondo would be absent from today's meeting.

In attendance were the following Task Force members:

- Senator Alexis Calatayud;
- Ms. Stephanie Daniels;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Jose Jimenez;
- Former Miami-Dade County Commissioner Dennis Moss;
- Former Miami Shores Village Mayor Crystal Wagar; and
- Chairman Dennis Kerbel.

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

- Assistant County Attorneys (ACA) Michael Valdes and Sophia Guzzo;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Mr. Jorge Fernandez, Deputy Director, Office of Management and Budget;
- Ms. Christina White, Director of Parks, Recreation and Open Spaces;
- Mr. Luis Montaldo, General Counsel, Clerk of Courts and Comptroller; and
- Ms. Tomeka Law, Deputy Clerk, Clerk of the Board (COB).

II. Pledge of Allegiance

Senator Calatayud led the Pledge of Allegiance.

III. Reasonable Opportunity for the Public to be Heard

Chairman Kerbel opened the reasonable opportunity for the public to be heard. Seeing no one come forward to speak, he closed the reasonable opportunity for the public to be heard.

IV. Continuation of Discussion Items

A. Annexation/Incorporation

Mr. Jimenez introduced a proposal to codify a formal requirement that property owners in primarily commercial areas subject to annexation be given an opportunity to express their views prior to the Board of County Commissioners' (Board) vote on the matter. He emphasized that the proposal was intended to give a voice to property owners who were not necessarily registered electors, while clarifying that the Commission would not be obligated to abide by the results.

Chairman Kerbel proposed amending Sections 6.04 and 6.05 of the Charter to establish a 15-member Boundary Commission that would operate on a five-year cycle to conduct a comprehensive review of all pending annexations and incorporations and submit collective recommendations to the Board, which currently addressed these matters on a fragmented basis. He explained that the Boundary Commission would assume the Planning Advisory Board's (PAB) responsibilities under those sections, while the PAB itself would remain intact with all other functions preserved. Chairman Kerbel explained that the Planning Director would continue to make recommendations related to boundary adjustments, followed by the Board's consideration through the normal referral process.

Chairman Kerbel outlined the composition of the Boundary Commission as a 15 resident consisting of one member appointed by the Mayor, one member appointed by the League of Cities, and one member nominated by each of the 13 County Commissioners and approved by the Board. He clarified that members could not be lobbyists, current elected officials, county employees, or immediate family members of sitting commissioners. Chairman Kerbel proposed that the Boundary Commission begin operations on January 1, 2027, with no current time limitation on service, and noted that the Board could establish by ordinance the procedure for changing appointees.

With respect to the petition process, Chairman Kerbel proposed that signatures from 10 percent of electors in the proposed area be required, along with nonresidential property owner signatures equal to 10 percent of the total nonresidential property area in the affected area. He also suggested lowering the existing elector signature threshold from 20 percent to 10 percent to make the process more achievable, addressing concerns previously raised by Commissioner Moss. Chairman Kerbel stated that canvassing for elector signatures would remain the responsibility of the Supervisor of Elections, while the Planning Department would be

responsible for verifying the signatures of nonresidential property owners. He further stated that the Clerk of Courts would retain the role of verifying and approving the form of the petition prior to the Boundary Commission's review.

Chairman Kerbel outlined that in addition to conducting the comprehensive five-year review, the Boundary Commission would be responsible for reviewing petitions for form sufficiency and verifying that all signatures were dated within one year of the Commission's consideration and recommendations would be forwarded to the Board in sufficient time to allow placement on the next available ballot. Additionally, the Board would retain full authority to initiate incorporations and annexations in accordance with the current process.

ACA Attorney Valdez clarified that the Boundary Commission proposal affected only the PAB's duties as outlined in Sections 6.04 and 6.05, and that all other Charter sections referencing the PAB remained unchanged. He also noted that yellow-highlighted provisions in the draft amendment reflected the newly proposed changes, while green-highlighted provisions represented previous Task Force recommendations related to the constitutional officer cleanup and advised against duplicating those changes to avoid voter confusion.

Commissioner Moss voiced concerns regarding the removal of the PAB from the annexation and incorporation process to which Chairman Kerbel responded that having both boards perform the same function would create a duplication of efforts.

Mr. Chad Friedman, representing the League of Cities, raised concerns regarding the existing moratorium on annexations and incorporations.

Chairman Kerbel acknowledged that it was not the Task Force's intent to override the Board and conceded that the proposed language required further revision.

Ms. Escarra expressed support for the inclusion of nonresidential property owners in the process, noting that these owners, while not registered electors, were directly impacted by annexation decisions and deserved representation. She also expressed support for the Boundary Commission concept, noting that it would consider all components of annexation, including taxation.

Mr. Jimenez requested that his proposed amendment regarding commercial property owner input be incorporated into Chairman Kerbel's Boundary Commission proposal so that both items would be considered together, to which Chairman Kerbel agreed.

Mr. Jimenez subsequently moved to amend the Charter to provide non-elector property owners in primarily commercially zoned areas subject to annexation the opportunity to voice their concerns prior to the Commission's vote. Mr. Eikenberg seconded the motion, which passed 8-0 (Mayor Andre Pierre, Mr. Robert Fernandez, Mr. Rafael Granado, Rebecca Wakefield, Mayor

Joshua Dieguez, Mayor Steven D. Losner, and Vice Chairman Michael D. Redondo were absent.)

Chairman Kerbel announced that the proposed amendment regarding the establishment of the Boundary Commission was deferred to the April 7, 2026 meeting for further discussion.

B. Article 7

Ms. White appeared to address questions carried over from the prior meeting.

In response to a question regarding recommendations from the Parks Advisory Board, Ms. White indicated that no recommendations had been received to date but committed to reaching out to the Board to obtain input for the next meeting.

Ms. Escarra inquired whether the department had any concerns about restrictive charter language, particularly given budget constraints, citing the implementation of parking fees at parks as an example. She requested that the department provide a list of recommendations and/or opportunities to address budgetary challenges.

Ms. White acknowledged the challenges of the current fiscal environment, noting that the department had already taken steps to increase cost recovery through fee adjustments and the renegotiation of agreements with community-based organizations. She indicated that the department was internally evaluating potential charter language related to funding and was prepared to present proposed language at a future meeting.

Chairman Kerbel noted that only two meetings remained — April 7th and April 28th — and encouraged the department to present any proposed language at the April 7th meeting if possible, clarifying that the April 28th meeting was intended primarily for review of the final report.

C. Section 6.05B

Following Mr. Jimenez and Chairman Kerbel's proposed amendments regarding annexation and incorporation, Mr. Montaldo presented the Clerk's proposed amendment to Section 6.05B.1, which sought to streamline the Clerk's role in the annexation and incorporation petition review process.

Mr. Montaldo explained that the amendment was intended to eliminate unnecessary back-and-forth, as the Clerk's primary function was record-keeping rather than substantive expertise in the subject matter. He noted that county administration, whether the planning board, OMB, or

another relevant area, possessed the necessary technical knowledge, and that the Clerk operated merely as a pass-through in the current process.

Mr. Fernandez confirmed that the proposal formalized existing practice, explaining that when the Clerk received a petition, OMB was contacted to handle the review regardless.

ACA Valdez, on behalf of staff, indicated no objection to the Clerk's proposal.

Commissioner Moss noted that he had intended to raise a question he had previously discussed with the County Attorney but deferred given that staff had no objection.

Chairman Kerbel sought clarification from ACA Valdez on whether the petition form review was limited to form sufficiency, that is, whether the petitioner had completed all required information, rather than a substantive review of the merits.

ACA Valdez confirmed that the purpose of the review was to determine whether the individual had provided all necessary information so that they could proceed to the signature collection stage with confidence that the petition was viable.

Chairman Kerbel further noted that under the current process, approved petitions went to the County Commission, whereas under his Boundary Commission proposal, they would be directed to the Boundary Commission instead.

Mr. Montaldo further clarified that annexation-related petition details, such as boundary specifications, were highly technical matters outside the Clerk's expertise, and that the Clerk had effectively been signing off on determinations made by OMB rather than conducting an independent review.

Chairman Kerbel characterized the review function as ministerial in nature, and ACA Valdez confirmed that individuals retained the ability to challenge petition language after the fact, even once placed on the ballot.

Commissioner Moss inquired whether the County Attorney's Office was involved when OMB reviewed petitions, or whether OMB acted unilaterally.

Mr. Fernandez confirmed that OMB conferred with the County Attorney's Office on every petition it received.

Chairman Kerbel questioned whether "county administration" was appropriate charter terminology, or whether a more defined term should be used.

ACA Valdez confirmed that the term was not defined elsewhere in the charter and suggested the language could instead reference the relevant county department as specified by code or ordinance, which would provide clarity for the public without creating a designation that could change informally. He cautioned against using "county mayor or designee," as such a designation could shift without formal codification.

Mr. Montaldo noted that "county administration" had been used in the proposal because the Clerk's Office was uncertain where the Task Force would land on the question of departmental assignment.

Ms. Escarra suggested that a specific charter-identified department be named, reasoning that individuals filing petitions needed to know clearly where to direct their submissions rather than navigating a moving target.

Chairman Kerbel agreed and expressed a preference for designating the Department of Budget, noting that OMB had performed this function for approximately 26 years, that the Task Force had already recommended the Department of Budget be identified in the charter, and that many of the concerns involved in the petition review related to budgetary impact.

Mr. Eikenberg moved to amend the Clerk's proposal to substitute "county administration" with "Office of Budget." The motion was seconded by Ms. Escarra and upon being put to a vote, passed 8-0 (Mayor Andre Pierre, Mr. Robert Fernandez, Mr. Rafael Granado, Rebecca Wakefield, Mayor Joshua Dieguez, Mayor Steven D. Losner, and Vice Chairman Michael D. Redondo were absent).

Mayor Wagar moved to approve the Clerk's proposal, as amended. This motion was seconded by Senator Calatayud and upon being put to a vote, passed 8-0. (Mayor Andre Pierre, Mr. Robert Fernandez, Mr. Rafael Granado, Rebecca Wakefield, Mayor Joshua Dieguez, Mayor Steven D. Losner, and Vice Chairman Michael D. Redondo were absent.)

V. Comments/Discussions by Task Force Members

A. Clerk's Meeting Minutes

Commissioner Moss moved to approve the January 15, 2026 and January 27, 2026 minutes. Mr. Eikenberg seconded the motion, and upon being put to a vote, passed 8-0 (Mayor Andre Pierre, Mr. Robert Fernandez, Mr. Rafael Granado, Rebecca Wakefield, Mayor Joshua Dieguez, Mayor Steven D. Losner, and Vice Chairman Michael D. Redondo were absent).

B. Other Discussion Items

Mr. Eikenberg thanked Senator Calatayud for her leadership during the recent legislative session, specifically her support and defense of the Urban Development Boundary (UDB). He noted that House Bill 399 had called for a study on the potential elimination of the UDB and that there had been a variety of other related attempts during the 60-day session. Mr. Eikenberg acknowledged that the Senator and her colleagues had urged strongly in the Senate that the relevant language be stricken from the Senate bill, and that it was successfully removed. He also recognized the support of the Senate President in that effort. Mr. Eikenberg noted that the legislation ultimately passed both chambers without any provisions that would have weakened the UDB, which he described as critical to Miami-Dade County's water supply, its protected wetlands to the west and east, and the protection of South Dade agriculture and its economy.

Mr. Eikenberg moved that the Task Force include a formal recommendation in its final report that the charter provisions relating to the UDB remain in their current form and that no amendment to those provisions be proposed. This motion was seconded by Senator Calatayud.

Mr. Jimenez stated that while he had no objection to the substance of the motion, he was concerned that specifically calling out one provision the Task Force did not wish to change might imply that silence on other provisions signaled openness to changes elsewhere in the charter. He suggested that a recommendations-only approach, where the absence of a recommended change itself communicated the Task Force's position, would avoid that ambiguity. Mr. Jimenez acknowledged, however, that his concern was primarily a matter of drafting style and that he was prepared to support the will of his colleagues.

Mr. Eikenberg maintained that, given recent legislative activity and the possibility of future attempts to alter the UDB, it was wise for the Task Force to go on record encouraging the Board to preserve those charter protections. He emphasized that the UDB represented a critical aspect of how the County functioned.

ACA Valdez noted that references to the UDB also appeared in Section 6.05 in relation to incorporation and recommended substituting the word "provisions" for "sections" in the motion's language to avoid the implication that entire sections of the charter should remain unchanged, when the intent was only to protect the specific UDB-related references within those broader sections.

Chairman Kerbel concurred with Mr. Eikenberg's stance that the UDB had been a recurring topic in public discussion. He opined that the Task Force's report was not an exhaustive catalog of all possible charter changes, but rather a statement of what the Task Force believed should be changed, and that it was appropriate to also include language encouraging the Board to preserve

certain provisions. Chairman Kerbel noted that the Board retained the authority to consider and implement other modifications as it saw fit.

Hearing no further questions or comments, the Task Force proceeded to vote on the motion, which passed 8-0. (Mayor Andre Pierre, Mr. Robert Fernandez, Mr. Rafael Granado, Rebecca Wakefield, Mayor Joshua Dieguez, Mayor Steven D. Losner, and Vice Chairman Michael D. Redondo were absent.)

Following the vote, Commissioner Moss raised the issue of state preemption and inquired whether the charter contained any provision that could be used to strengthen the County's position.

ACA Valdez explained that the County held unique home rule powers under the Florida Constitution on certain specifically delineated subject matters, and that addressing those matters in the charter was one available method of guarding against preemption. He noted, however, that not all preemptions could be addressed in this manner, as state general laws would still apply and supersede the charter and code in areas not protected by the Florida Constitution.

Commissioner Moss indicated he wished to have a broader discussion on the topic at the next meeting, though he was uncertain whether it would result in a formal proposal.

Chairman Kerbel agreed to place a discussion item on the next agenda and invited Commissioner Moss to work with the County Attorney on any proposed language for distribution.

Hearing no further questions or comments, the Task Force proceeded to vote on the motion, which passed 8-0. (Mayor Andre Pierre, Mr. Robert Fernandez, Mr. Rafael Granado, Rebecca Wakefield, Mayor Joshua Dieguez, Mayor Steven D. Losner, and Vice Chairman Michael D. Redondo were absent.)

ACA Valdez recommended that the County Attorney's Office compile and distribute a packet of all recommendations approved by the Task Force to date, in final form, prior to the next meeting. He noted that this would allow members to review the work product and address any technical corrections over the remaining two meetings, rather than encountering the compiled recommendations for the first time in the final report.

Chairman Kerbel endorsed the recommendation, noting that staff had been maintaining a rolling draft throughout the process. He confirmed that the next meeting would be held on April 7, 2026, at 10:00 a.m.

VI. Adjournment

There being no further business to come before the CRTF, the meeting was adjourned at 11:35 a.m.

Dennis Kerbel, Chairman

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
March 24, 2026

Prepared by: Tomeka Law

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	Agenda Package for CRTF 03.24.2026 Meeting
-	Jimenez Motion
-	Kerbel Motion
-	Eickenberg Motion

Miami-Dade County Charter Review Task Force Agenda
Preliminary Version
Tuesday, March 24, 2026 at 10:00am
Stephen P. Clark Center, Commission Chambers

I. Roll Call

II. Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

IV. Continuation of Discussion Items

A. Annexation/Incorporation
B. Article 7
C. Section 6.05B

V. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes
B. Other Discussion Items

VI. Adjournment

Attachments
Attachment A: Millage Rates for Miami-Dade County's Municipalities Incorporated after 1990
Attachment B: Proposed Amendment to Section 6.05 Creation of New Municipalities
Attachment C: Clerk's Summary of Minutes 1.15.2026
Attachment D: Clerk's Summary of Minutes 1.27.2026

Attachment A

Millage Rates for Miami-Dade County's Municipalities Incorporated after 1990

Year Incorporated / Fiscal Year	UMSA	1991 Key Biscayne	1995 Aventura	1996 Pinecrest	1997 Sunny Isles	2000 Miami Lakes	2002 Palmetto Bay	2003 Miami Gardens	2003 Doral	2005 Cuttler Bay
2002	2.4470	3.6060	2.2270	2.4000	3.3500	3.0570				
2003	2.4470	3.6060	2.2270	2.4000	3.3500	2.9680	2.4470			
2004	2.4470	3.6060	2.2270	2.4000	3.3500	2.9120	2.4470	3.6484	2.4470	
2005	2.4470	3.6060	2.2270	2.4000	2.9500	2.8250	2.4470	3.6384	2.4470	
2006	2.4470	3.4500	2.2270	2.4000	2.9500	2.7403	2.3736	5.1488	2.4470	2.4470
2007	2.0416	3.2000	1.7261	1.9500	2.3979	2.4795	2.3736	5.1488	2.4470	2.4470
2008	2.0083	3.2000	1.7261	1.9809	2.4742	2.4795	2.4476	5.1402	2.4470	2.4470
2009	2.0083	3.2000	1.7261	2.1040	2.6500	2.4470	2.4470	5.3734	2.4470	2.5888
2010	2.2980	3.2000	1.7261	2.1040	2.8860	2.3702	2.4470	5.7141	2.4470	2.5880
2011	2.0083	3.2000	1.7261	2.2000	2.8860	2.3518	2.4470	6.5616	2.4376	2.5702
2012	2.4496	3.2000	1.7261	2.2000	2.8000	2.3518	2.4470	6.3620	2.2215	2.5702
2013	2.4496	3.0000	1.7261	2.2000	2.7000	2.3518	2.4470	6.9363	1.9280	2.5702
2014	1.9283	3.0000	1.7261	2.3000	2.6000	2.3518	2.4470	6.9363	1.9280	2.3907
2015	1.9283	3.0000	1.7261	2.3000	2.5000	2.3518	2.4470	6.9363	1.9000	2.3907
2016	1.9283	3.0000	1.7261	2.3000	2.4000	2.3353	2.3292	6.9363	1.9000	2.3907
2017	1.9283	3.0000	1.7261	2.3000	2.3000	2.3353	2.3292	6.9363	1.9000	2.3907
2018	1.9283	3.1000	1.7261	2.3390	2.2000	2.3127	2.2387	6.9363	1.9000	2.4323
2019	1.9283	3.1950	1.7261	2.3990	2.2000	2.3127	2.2000	6.9363	1.9000	2.4323
2020	1.9283	3.2022	1.7261	2.3500	2.2000	2.3127	2.2350	6.9363	1.9000	2.6198
2021	1.9283	3.1990	1.7261	2.3500	2.1000	2.3127	2.4000	6.9363	1.9000	2.8332
2022	1.9090	3.1533	1.7261	2.3500	2.0000	2.2664	2.3500	6.9363	1.7166	2.8332
2023	1.9090	3.1245	1.7261	2.3500	1.9000	2.0732	2.3500	6.9363	1.7166	2.8332
2024	1.9090	2.9794	1.7261	2.3500	1.8000	2.0732	2.3500	6.9363	1.7166	2.8332
2025	1.9090	2.8846	1.7261	2.5030	1.7000	2.1577	2.3018	6.9363	1.7166	2.8332

Attachment B

JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT AND COMPTROLLER
OF MIAMI-DADE COUNTY

MEMORANDUM

Date: March 9, 2026

To: Dennis Kerbel, Chairman
and Members, Miami-Dade County Charter Review Taskforce

From: Juan Fernandez-Barquin, Esq.
Clerk of the Court and Comptroller

Subject: Proposed Amendment to Section 6.05 Creation of New Municipalities

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Thank you for considering the below proposed amendment to Section 6.05 B. 1. of the Miami-Dade County Charter. This section of the Charter addresses the creation of new municipalities through a petition of electors. The proposed amendment seeks to improve the efficiency of this process and maintain my ministerial role as Clerk of the Board.

The proposed amendment (attached) makes one change: transferring the role of accepting the "form" of the petition from my office to the county's administration. The proposed amendment leaves intact my primary role as record keeper for the Board.

Current process requires my office to request from the county's administration, through the Office of Management and Budget (OMB), the form of the petition. My office then reviews the submitted petition against the form of the petition. Any questions regarding the form of the petition (e.g., questions on boundaries or charter requirements) are sent to OMB for guidance. In other words, my office serves only as an intermediary in a process that is currently already handled by OMB. The proposed amendment removes my office from only this part of the process so that OMB as the creator of the form of the petition can determine if a filed petition complies with its own form. My office will continue to accept petitions and other documents for filing.

My staff will be present at your next meeting to discuss any concerns you may have regarding the proposed change.

Proposed Amendment

Section 6.05 CREATION OF NEW MUNICIPALITIES

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~~]] >>County Administration<< 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 Administration.<< Within seven (7) days of receipt of the form, the [[~~Clerk~~]] >>County Administration<< 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~~]] >>County Administration<< County Administration determines that the form of petition does not comply with the requirements of this Charter or inaccurately describes proposed boundaries, the [[~~Clerk~~]] >>County Administration<< 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 Administration<< 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 Administration<< 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.

Jimenez – Codifying Survey of Property Owners in Annexation Process

EXHIBIT

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. >>For proposed 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 each property owner within the proposed boundary change area to ascertain whether each such property owner is in favor of or against the proposed boundary change, and the results of such survey shall be presented to the Board prior to public hearing on any municipal boundary change.<< 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 >>and the results of any applicable survey of property owners<<. 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.

Kerbel – Establishing Boundary Commission for Annexation and Incorporations

EXHIBIT

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.

B. >>All applications for municipal boundary changes initiated by the governing body of a municipality or by a petition of any person or group concerned shall be reviewed by the Boundary Commission.

   1. 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 employee, registered lobbyist, or immediate family member of a sitting County Commissioner. One member shall be appointed by the County Mayor; one member shall be appointed by the League of Cities; 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 five (5) years commencing on January 1, 2027 and each five 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.
   2. Applications initiated by petition shall comply with the requirements for approval of the form of a petition, the time to obtain signatures, and the number, classification, and certification of signatures to be obtained set forth in Section 6.05.
   3. All such applications submitted during the five-year term of the Boundary Commission shall be reviewed collectively, and the Boundary Commission shall issue a final report at the conclusion of its term that shall include

recommendations as to all such applications and any municipal boundary changes recommended by the Boundary Commission. The Boundary Commission must hold at least one (1) public hearing prior to finalizing its review and shall establish its own review schedule with deadlines for submission of such applications to ensure adequate time for collective review and public hearing prior to the conclusion of the Boundary Commission's term. Any applications submitted after such deadline shall be reviewed during the Boundary Commission's next five-year term. Notwithstanding the foregoing, the Board of County Commissioners may order the Boundary Commission to review any such application(s) and provide a recommendation on an earlier schedule by a two-thirds vote of the members of the Board present.

4. << 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 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~~]] >>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 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 (⅔) 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~~]]>>Board<< 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~~]]>>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 by address and folio number in the proposed incorporation area.<< 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~~]] >>After<< approval of the above form by the Clerk, 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 its term<< 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 term. Notwithstanding the foregoing, the Board of County Commissioners may order 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.

(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 non-residential property owners equal to ten percent (10%) of the total area of non-residential property in the proposed incorporation area, with signatures on a petition provided by the Clerk<<. >>For signatures of electors,<< [[~~T~~]]>>t<<he petition shall require the name, address and signature of the elector and such signatures shall be notarized. >>For signatures of non-residential property owners, the petition shall require the name and signature of the property owner and a list of all parcels in the proposed incorporated area owned by such property owner, and such signatures shall be notarized.<<

4. >>For petitions signed by electors,<< [[~~T~~]]>>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 non-residential property owners, the signed petitions will be submitted to the department of planning, who shall verify that the listed parcels constitute ten percent (10%) or more of the total area of non-residential property in the proposed incorporation area. The Board of County Commissioners may, by ordinance, establish additional procedures for the submission and verification of signatures by non-residential property owners 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<< certif>>y<<[[ies]] the signatures >>or at the earliest possible time (but not to exceed the Supervisor of Elections 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.

Eikenberg – Motion on Charter's Urban Development Boundary Provisions

EXHIBIT

Mr. Eikenberg moves to have the Charter Review Task Force include a recommendation, as part of its Final Report, that those sections of the Home Rule Charter that relate to the Urban Development Boundary should remain in their current form and no amendment to those sections should be proposed.

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force

Stephen P. Clark Building, 111 NW 1st Street, Miami, Florida
Commission Chambers
April 7, 2026
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Zorana Milton, Commission Reporter
(305) 375-3570

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
April 7, 2026

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened a meeting at the Stephen P. Clark Building, 111 NW 1st Street, 2nd Floor Commission Chambers, Miami, Florida 33128 at 10:27 a.m.

I. Roll Call

Prior to the Roll Call, Deputy Clerk Zorana Milton announced that Ms. Stephanie Daniels and Ms. Iris Escarra were excused from today's meeting. Thereafter, the Clerk received notification that Senator Alexis Calatayud, Mayor Andre Pierre, and Mayor Crystal Wagar were also excused from today's meeting.

The following Task Force members were present at roll call:

- Mr. Eric Eikenberg;
- Mr. Robert Fernandez;
- Mr. Rafael Granado;
- Mr. José Jimenez;
- Mayor Steven Losner
- Former Miami-Dade Commissioner Dennis Moss;
- Ms. Rebecca Wakefield;
- Vice Chairman Michael Redondo (State Representative for House District 118); and
- Chairman Dennis Kerbel.

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

- Assistant County Attorneys (ACA) Mr. Michael Valdes and Sophia Guzzo;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Fernandez, Deputy Director, Office of Management and Budget (OMB);
- Ms. Diana Ortega, General Counsel and Chief of Staff, Miami-Dade Property Appraiser's Office,
- Ms. Christina White, Director, Miami-Dade Parks, Recreation and Open Spaces (PROS) Department; and
- Ms. Zorana Milton, Deputy Clerk, Clerk of the Board.

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
April 7, 2026

II. Pledge of Allegiance

Chairman Dennis Kerbel led the Pledge of Allegiance.

III. Reasonable Opportunity to be Heard

Chairman Kerbel opened the reasonable opportunity for the public to be heard and the following individuals came forward to speak:

Mr. Chad Friedman 2800 Ponce De Leon Boulevard, Miami, Florida, appeared on behalf of the Miami-Dade County League of Cities, in connection with Agenda Items IV. A. Annexation/Incorporation and IV. B. Article 7.

Ms. Diana Ortega, General Counsel and Chief of Staff, Miami-Dade Property Appraiser's Office, appeared in connection with Agenda Item IV. A. Annexation/Incorporation.

Chairman Kerbel requested that Mr. Friedman and Ms. Ortega address the Task Force members when the items for which they appeared were called for discussion.

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

IV. Continuation of Discussion Items

A. Annexation/Incorporation

Chairman Kerbel presented a revised version of the Boundary Commission recommendation, which had been updated to reflect additional information on the distinctions between the annexation and incorporation processes. He noted that the revision incorporated language previously approved by the Task Force at its prior meeting, stemming from a motion by Mr. Jimenez to codify a survey requirement for property owners in the annexation process. Chairman Kerbel explained that because annexation applications already required municipal and owner consent, they did not necessitate the same petition structure used for incorporations, and that combining the two processes was therefore unnecessary. He advised that the annexation consent threshold had been revised to require support from at least 10% of electors and 10% of owners of non-residential property, with the County Commission retaining authority to establish additional standards. He further advised that, pursuant to Mr. Jimenez's language, a survey would be required before the Commission made a decision in cases involving 250 or fewer resident electors, and that the recommendation included a definition of non-residential property as property without electors, such as vacant residential parcels.

Regarding the structure of the recommendation, Chairman Kerbel noted that the Boundary Commission provisions had been relocated to a standalone section at the end of the document. He clarified that the Boundary Commission's role in the incorporation process had been modified so that it would provide a recommendation to the Board of County Commissioners (Board) rather than make a determination on the petition, and that its review would occur after either the Clerk or the budget department approved the petition for form and sufficiency. He further noted that the review cycle had been shortened from five (5) years to three (3) years, and that Boundary Commission members would serve six-year terms, permitting participation in two review cycles.

Chairman Kerbel that the Board retained discretion at both the initial and final stages of the process, and that a two-thirds vote could be used to accelerate an application for Boundary Commission review when needed. He also noted that the 15-member composition of the Boundary Commission remained unchanged, but that appointment restrictions had been revised to remove the prohibition on lobbyists and to extend conflict-related restrictions to county and city employees, officials, and their relatives.

Chairman Kerbel further advised that the review cycle had been changed from five years to three years, and that members of the Boundary Commission would serve six-year terms, allowing them to participate in two review cycles. He noted that, during those cycles, annexation applications that advanced through the Board process would be forwarded for review, and that the Board retained discretion at both the initial and final stages, including the authority to decline consideration of a proposed annexation. He explained that once an annexation application was permitted to proceed, the Boundary Commission review would then occur.

ACA Valdes confirmed that all revisions had been captured.

Mr. Friedman stated that the League of Cities preferred a defined application window that would open every three (3) years, rather than a moratorium framework with deadlines set by the Commission, noting that under the preferred approach a continuous moratorium on annexations and incorporations would not be maintained.

Chairman Kerbel responded that this concern had been addressed in Section 6.04, Changes in Municipal Boundaries, Item F of the revised recommendation, which permitted the Boundary Commission to continue reviewing proposals not subject to moratoria.

Ms. Ortega raised a technical concern regarding the use of surveyors, noting that the legislation did not clearly indicate whether the Commission would rely on County-employed surveyors. She emphasized the importance of involving the Property Appraiser's Office in the process,

explaining that boundary lines cutting through property folios created uncertainty as to which millage rate applied to affected properties, and urged the Task Force to ensure that County-employed surveyors and the Property Appraiser's Office were engaged in identifying folios within proposed incorporation areas.

In response to Commissioner Moss's inquiry regarding how the Property Appraiser's Office currently handled folios bisected by boundary lines, Ms. Ortega explained that upon receipt of Geographic Information Systems (GIS) coordinates identifying such a situation, the tax roll team applied two separate millage rates to the affected property. She noted that professional surveyors could be engaged to help prevent such occurrences but stated she was uncertain whether County-employed surveyors were currently being used in that capacity.

ACA Valdes advised that the Charter did not require the use of County-employed surveyors but noted that language could be added to address the matter, and stated he would verify whether the practice was being implemented administratively.

Mr. Jorge Fernandez advised that his office worked in coordination with the Public Works Department on platting matters and that professional surveyors were utilized in the process of reviewing folios and determining exact boundaries.

Chairman Kerbel acknowledged the preference for a structured application cycle but emphasized that annexation and incorporation were inherently political processes distinct from land use matters, and that his intent was not to limit the Board's discretion but to direct it through a body capable of conducting a comprehensive, simultaneous review of all relevant factors.

Ms. Wakefield questioned whether the membership provisions in Section A allowed sufficient flexibility for the County Commission to update Boundary Commission appointments when district commissioners changed during a six-year term.

Chairman Kerbel responded that such matters would be addressed through implementing legislation and the County Commission's standard appointment procedures, and indicated that prescriptive detail of that nature was not appropriate for inclusion in the Charter.

Mayor Losner inquired about the use of the term "non-residential," noting that it could be read to encompass any property not used for residential purposes, and asked whether "non-resident owned" would more accurately reflect the intent of the provision.

Chairman Kerbel responded that he had considered multiple definitional approaches but concluded that "non-resident owned" would be overly prescriptive and could inadvertently exclude individuals residing in the area. He noted that the Board retained authority to develop

additional procedures to account for rental property owners or other categories of property holders as it saw fit.

Chairman Kerbel relinquished the chair to Vice Chair Redondo; and moved to approve the foregoing proposed revised version of the Boundary Commission item, including Mr. Jimenez's language. This motion was seconded by Mr. Eikenberg and, upon being put to a vote, passed 9-0 (Ms. Stephanie Daniels, Ms. Iris Escarra, Senator Alexis Calatayud, Mayor Andre Pierre, and Mayor Crystal Wagar were absent).

Following the vote, ACA Valdes noted that the Task Force had previously approved Mr. Jimenez's proposal as a standalone item at its prior meeting, and recommended that the Task Force take action to consolidate the items given Mr. Jimenez's stated preference to advance a single combined recommendation rather than multiple separate ones.

Mr. Jimenez moved to forward one annexation and incorporation item to the Board. This motion was seconded by Commissioner Moss and, upon being put to a vote, passed 9-0 (Ms. Stephanie Daniels, Ms. Iris Escarra, Senator Alexis Calatayud, Mayor Andre Pierre, and Mayor Crystal Wagar were absent).

B. Article 7

Ms. Christina White advised that, following consultation with the County Attorney's Office to explore available options under the Charter and assess whether any amendments were warranted, she concluded that no recommendations were necessary at that time. She explained that the Charter already permitted the PROS department to partner with organizations and private businesses for sponsorships and naming rights, and outlined various options and capital projects, emphasizing that while opportunities existed, a framework would be needed to implement them effectively.

Vice Chairman Redondo inquired about a linear park seeking to enter into an exclusive lease with a religious institution and requested that Ms. White provide him with a response on the matter at a later date.

Mr. Friedman appeared before the Task Force and stated for the record that no amendments to Article 7 would be put forth, and that he would withhold the League of Cities' suggestions accordingly. He advised that Article 7 applied to both unincorporated and incorporated areas, though municipalities retained the option to opt out, and noted that six (6) cities had done so while the remainder had not. He further stated that should any amendment to Article 7 be

proposed in the future, the League of Cities intended to request that cities be afforded another opportunity to opt out.

C. Recommended Charter Revisions as Adopted

ACA Valdes explained that a package would be prepared and presented to the Task Force by the end of the week for review. He stated that this package would contain an overview of all changes made prior to the next meeting including:

- Summary of charter changes;
- Recommended technical changes;
- Changes necessitated by Amendment 10 and the establishment of Constitutional Offices;
- Commissioner Moss' salary commission item;
- Chairman Kerbel's item related to the term limits;
- An amendment discussed on the record related to public notices to allow public notices to be conducted in line with what state law permits;
- Provisions allowing remote participation in meetings to the extent authorized under state law;
- Technical cleanup regarding titles, eliminating the need to read the full title and instead referring to a unique legislative number when announcing an item at Commission meetings;
- Mayor Losner's proposal relating to the duration of district residency, requiring a district resident to have lived in the district for one year and be a registered voter;
- Provisions related to vacancies and the process for filling vacancies;
- An item addressing the ineligibility of appointees to run for elections while the position was open;
- The annexation item passed by the Task Force during today's (4/7) meeting;
- Revisions to Sections 5.07 and 5.08; and

- Mr. Eikenberg's motion, which was not a change to the Charter but an affirmative recommendation by the Task Force to maintain existing provisions relating to the Unincorporated Development Boundary (UDB).

Chairman Kerbel requested confirmation that the changes asked for by the Clerk during the last meeting had been incorporated into the Constitutional Officers' amendment.

ACA Valdez verified that the amendment would be included as amended by the Clerk's proposed changes.

Commissioner Moss advised that he had discussed preemption with the County Attorney's Office and, based on that discussion, did not wish to pursue any further action, as various provisions addressing the matter were already in place.

V. Comments/Discussion by Task Force Members

A. Clerk's Meeting Minutes

Commissioner Moss moved to approve the February 23, 2026 CRTF minutes. This motion was seconded by Mr. Jimenez and, upon being put to a vote, passed 9-0 (Ms. Stephanie Daniels, Ms. Iris Escarra, Senator Alexis Calatayud, Mayor Andre Pierre, and Mayor Crystal Wagar were absent).

B. Other Discussion Items

Chairman Kerbel announced that the final Task Force meeting would be held on Tuesday, April 28, 2026, at the Stephen P. Clark Building, 2nd Floor, Commission Chambers; and noted that the meeting would include an overview of the final report.

VI. Adjournment

Seeing no further business come before the CRTF, the meeting was adjourned at 11:02 a.m.

Dennis Kerbel, Chairman

BOARD OF COUNTY COMMISSIONERS
Charter Review Task Force
April 7, 2026

Prepared by: Zorana Milton

EXHIBITS LIST

AGENDA ITEM NO.	DESCRIPTION
-	Agenda Package
IV. A.	Annexation & Incorporations – Jimenez' motion codifying survey of property owners in annexation process
-	Charter Review Task Force social media graphic detailing meeting dates

Miami-Dade County Charter Review Task Force Agenda
Preliminary Version
Tuesday, April 7, 2026 at 10:00am
Stephen P. Clark Center, Commission Chambers

I. Roll Call

II. Pledge of Allegiance

III. Reasonable Opportunity for the Public to be Heard

IV. Continuation of Discussion Items

A. Annexation/Incorporation
B. Article 7
C. Recommended Charter Revisions As Adopted

V. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes
B. Other Discussion Items

VI. Adjournment

Attachments
Attachment A: Motion for Consideration – Establishing Boundary Commission
Attachment B: Clerk's Meeting Minutes 2.23.26

Kerbel – Establishing Boundary Commission for Annexation and Incorporations

(Including Jimenez Motion Codifying Survey of Property Owners in Annexation Process)

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.

B. >>All applications for municipal boundary changes initiated by the governing body of a municipality or by a petition of any person or group concerned shall be reviewed by the Boundary Commission.

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   2. Applications initiated by petition shall comply with the requirements for approval of the form of a petition, the time to obtain signatures, and the number, classification, and certification of signatures to be obtained set forth in Section 6.05.

3. All such applications submitted during the five-year term of the Boundary Commission shall be reviewed collectively, and the Boundary Commission shall issue a final report at the conclusion of its term that shall include recommendations as to all such applications and any municipal boundary changes recommended by the Boundary Commission. The Boundary Commission must hold at least one (1) public hearing prior to finalizing its review and shall establish its own review schedule with deadlines for submission of such applications to ensure adequate time for collective review and public hearing prior to the conclusion of the Boundary Commission's term. Any applications submitted after such deadline shall be reviewed during the Boundary Commission's next five-year term. Notwithstanding the foregoing, the Board of County Commissioners may order the Boundary Commission to review any such application(s) and provide a recommendation on an earlier schedule by a two-thirds vote of the members of the Board present.

4. << 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. >>For proposed 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 each property owner within the proposed boundary change area to ascertain whether each such property owner is in favor of or against the proposed boundary change, and the results of such survey shall be presented to the Board prior to public hearing on any municipal boundary change.<< 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 >>and the results of any applicable survey of property owners<<. 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 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 (⅔) 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~~]]>>Board<< 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~~]]>>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 by address and folio number in the proposed incorporation area.<< 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~~]] >>After<< approval of the above form by the Clerk, 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 its term<< 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 term. Notwithstanding the foregoing, the Board of County Commissioners may order 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.

(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 non-residential property owners equal to ten percent (10%) of the total area of non-residential property in the proposed incorporation area, with signatures on a petition provided by the Clerk<<. >>For signatures of electors,<< [[~~T~~]]>>t<<he petition shall require the name, address and signature of the elector and such signatures shall be notarized. >>For signatures of non-residential property owners, the petition shall require the name and signature of the property owner and a list of all parcels in the proposed incorporated area owned by such property owner, and such signatures shall be notarized.<<

4. >>For petitions signed by electors,<< [[~~T~~]]>>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 non-residential property owners, the signed petitions will be submitted to the department of planning, who shall verify that the listed parcels constitute ten percent (10%) or more of the total area of non-residential property in the proposed incorporation area. The Board of County Commissioners may, by ordinance, establish additional procedures for the submission and verification of

signatures by non-residential property owners 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<< certif>>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.

CLERK'S SUMMARY OF MINUTES
CHARTER REVIEW TASK FORCE
FEBRUARY 23, 2026

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its meeting at the Westchester Regional Library Auditorium, Miami, 9445 Coral Way, Miami, Florida 33165, on February 23, 2026, at 5:30 p.m.

Chairman Kerbel convened the meeting at 5:55 p.m. and made introductory remarks.

I. Roll Call

The following Task Force members were present at roll call:

- Town of Miami Lakes Mayor Joshua Dieguez;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Jose Jimenez;
- City of Homestead Mayor Steven D. Losner;
- Ms. Rebecca Wakefield;
- Former Miami-Dade Commissioner Dennis Moss; and
- Chairman Dennis A. Kerbel

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

- Assistant County Attorneys (ACA) Sophia Guzzo and Michael Valdes;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Mr. Jorge Fernandez, Deputy Director, Office of Management and Budget (OMB);
- Mr. Alejandro Zizold, Chief of Planning, Research & Grants, Miami-Dade County Parks, Recreation & Open Spaces (PROS);
- Ms. Barbara Galvez, Chief Administrative Officer, Miami-Dade County Clerk of Court and Comptroller; and
- Ms. Flora Garcia, Deputy Clerk, Miami-Dade County Clerk of Court and Comptroller, Clerk of the Board (COB)
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II. Pledge of Allegiance

Chairman Kerbel led the Pledge of Allegiance.

III. Listening Session and Reasonable Opportunity for the Public to be Heard

Chairman Kerbel opened the listening session and reasonable opportunity for the public to be heard; and the following person appeared before the Task Force:

1. Ms. Susan Khoury, 8724 SW 72nd Street, Miami, Florida, spoke on matters relating to the constitutional officers. She raised three concerns she believed warranted review,

either at the Charter level or through state action: the absence of term limits for constitutional officers, the lack of a residency requirement for candidates seeking those offices, and the fact that the constitutional officers, who collectively administered approximately half of the County's budget, were not subject to oversight by the Miami-Dade County Inspector General. She noted that she had already raised these issues with state legislators and suggested that, if necessary, a separate state Inspector General position could be created to address financial oversight. She urged the Task Force to consider whether any of these matters could be incorporated into the Charter before the next review cycle.

Chairman Kerbel acknowledged her comments and clarified that the County's authority over constitutional officers was significantly constrained by state law, making these matters largely a state-level issue.
Seeing no one else come forward wishing to speak, Chairman Kerbel closed the listening session and the reasonable opportunity for the public to be heard.

IV. Presentations from Staff

A. Annexation/Incorporation

Mr. Fernandez presented a PowerPoint presentation on the history, purpose, and processes of annexations and incorporations, including relevant Charter requirements, Charter revisions, Code requirements, recent Code revisions, and past Board actions. He emphasized that incorporation represented the most complex policy issue in Miami-Dade County, as it required balancing residents' desire for self-determination and self-governance with the need to preserve services for the remainder of the unincorporated area. Mr. Fernandez noted that the Miami-Dade County Home Rule Amendment and Charter was adopted in 1957, granting the County authority over annexation and incorporation matters.

Mr. Fernandez stated that Article 6 of the Charter established the guidelines and requirements for annexations and incorporations. He explained that Section 6.04 governed changes to municipal boundaries, and that Section 6.05 addressed the creation of new municipalities, which could only be established following BCC approval, advisory board reviews, and a majority vote of the electors within the proposed area.

Mr. Fernandez reviewed the incorporation by petition process, which had been placed into the Charter through a previous Charter amendment. He explained that under that process, an incorporation committee of at least five members was required to file a petition with the Clerk, obtain signatures from 20% of resident electors, draft a proposed charter, hold at least three public hearings, and submit the materials to the Board, which then had the authority to approve or reject the proposal. He noted that the Supervisor of Elections was required to verify the petition signatures, and that if signatures were deemed sufficient, the BCC could call an election; if a majority approved, a budgetary analysis was conducted and a vote on the proposed charter followed.

Mr. Fernandez reviewed recent changes to Chapter 20 of the Code, including expanded notice requirements adopted in 2022 mandating that all registered voters within the proposed area, property owners within the proposed area and within 600 feet, and neighboring municipalities receive notice of an annexation proposal. He further noted that for proposed annexations with fewer than 250 resident electors, the County was required to conduct a survey of affected property owners to determine whether they wished to be included in the annexing municipality.

Mr. Fernandez noted that a 2014 BCC action had reduced the petition signature requirement from 25% to 20% and had also removed the boundaries committee. He also advised that the most recent BCC action, taken in February 2025 through Ordinance 25-13, suspended consideration of incorporations for two years and annexations for four years, with limited exceptions.

Mr. Fernandez reviewed the mitigation requirements, explaining that since 2000, three municipalities, Miami Lakes, Palmetto Bay, and Doral, had been non-revenue neutral at the time of incorporation and were therefore required to make mitigation payments to the County. He noted that each had negotiated a seven-year payoff period, after which their obligations were satisfied and their charters amended accordingly.

Mr. Fernandez stated that at the time of Charter adoption the County had 26 municipalities, with approximately 35% of the population residing in UMSA. He noted that the County currently had 34 municipalities, with approximately 43% of the population, roughly 1.2 million residents residing in UMSA.

Mr. Fernandez advised that there had been two attempts to incorporate the unincorporated area, one in 1997 and another in April 2012, and that both had failed to move forward. He noted that there was currently no policy requiring the incorporation of the remaining unincorporated area within any specific timeframe, and briefly distinguished Miami-Dade's situation from Broward County, which lacked a home rule charter and had been required by the State to incorporate its unincorporated areas.

Mr. Fernandez highlighted the services and revenues retained by the County when an area was annexed or incorporated, including fire rescue services, the County library system, garbage and refuse collection, and the utility taxes and franchise fees securing existing County bond indebtedness. He also provided financial information on UMSA's General Fund, noting that UMSA's total budget was approximately $730 million, and walked through examples illustrating how OMB conducted revenue neutrality analyses, including how revenues and police service costs were attributed to a proposed area.

Discussion ensued among Task Force members and Mr. Fernandez regarding the revenue neutrality analysis methodology.

In response to Chairman Kerbel's question regarding the impact of the police department's transition to a constitutional office on the revenue analysis, Mr. Fernandez replied that the organizational change had not affected OMB's methodology, as his office continued to collaborate effectively with the Sheriff's Office to obtain the necessary data. He explained that

the same formula was applied, using total calls for service, crime rates, population, and square miles within UMSA to estimate police service costs for a proposed area.

Commissioner Moss commended Mr. Fernandez for his longstanding work on incorporation matters.

In response to Commissioner Moss's question regarding service costs, Mr. Fernandez responded that costs were associated with the level and type of services requested by petitioners. When asked whether he was aware of any studies comparing the quality of services provided by municipalities versus the County, Mr. Fernandez advised that he was not aware of any specific study but noted that incorporation decisions ultimately turned on what level of service a community wanted and what it was willing to pay for.

Commissioner Moss requested that Mr. Fernandez research and distribute to Task Force members two studies, if available: one comparing service quality between municipalities and the County, and another comparing tax rates in areas incorporated from 1990 to present, examining County versus municipal rates.

In response to Commissioner Moss's inquiry regarding whether signature petitions for incorporation had ever been successfully brought before the Board, Mr. Fernandez advised that for annexations, petitions were required to include the requisite percentage of signatures from registered electors when the proposed area contained more than 250 resident electors. He noted that he could not speak to the period before 2000 but confirmed that all incorporations from Miami Lakes forward had proceeded under the direction of the County Commission.

Commissioner Moss observed that no resident-initiated incorporation petition had ever succeeded in Miami-Dade County and that all successful incorporations had been Commission-initiated. He spoke on the barriers facing parties interested in pursuing incorporation, specifically the difficulty of obtaining signatures from 20–25% of resident electors and the financial resources required to complete the process.

Commissioner Moss then inquired about the rationale for limiting participation in annexation votes to eligible registered voters within the proposed area, to the exclusion of business owners.

Mr. Fernandez deferred to the County Attorney's office on that question.

ACA Valdes advised that there were constitutional concerns with expanding the right to vote to property owners who were not registered voters, noting that voting rights in referenda were typically reserved for registered voters residing within the area. He further noted that practical questions, such as how to apportion votes among property owners, whether by parcel or by some proportional measure, would also need to be resolved.

Discussion ensued between Commissioner Moss and ACA Valdes regarding voting rights and the constitutional concerns associated with allowing property owners to participate in annexation and incorporation votes.

In response to Commissioner Moss's question, ACA Valdes affirmed that most annexations within the State of Florida were under the control of the State.

In response to Commissioner Moss's follow-up question regarding whether the State of Florida had any provisions allowing property owners, rather than registered voters, to participate in such decisions, ACA Valdes clarified that US Supreme Court precedent held that local governments were subdivisions of the State and subject to its authority. As such, any popular vote on such matters would be at the State's discretion rather than by requirement, meaning the State could theoretically annex, incorporate, or adjust territory without the consent of those affected. ACA Valdes further advised that he was not aware of any instances in Florida where the State legislature had allowed property owners, as distinct from registered voters, to participate in such a process.

Mr. Fernandez clarified that for proposed annexation areas with fewer than 250 resident electors, the County was required to conduct a property owner survey, which the Chairman noted was advisory in nature and could be disregarded by the Board.

In response to questions from Mr. Jimenez, Mr. Fernandez advised that the annexation of the Dolphin Mall area to the City of Sweetwater had required a vote as the proposed area contained more than 250 resident electors, and that the proposed annexation area along NW 54th to 74th Street contained no resident voters. He also clarified that the County was not involved in determining district boundaries.

Discussion ensued between Mr. Jimenez and Mr. Fernandez regarding signature requirements for proposed annexation areas.

Mr. Jimenez noted the difficulty of developing a workable formula to expand voting rights and the time required to survey an area.

Mr. Fernandez advised that the County had conducted only one property owner survey in the history of annexations and had received responses from approximately 40 to 50 percent of landowners.

Mr. Jimenez questioned the effect on a municipal budget when the County retained franchise fees and utility taxes in their entirety.

Mr. Fernandez advised that the Code required the County to retain those revenues to cover debt service obligations, though he acknowledged the Code could be amended. He noted that municipalities had historically accepted this arrangement as standard practice and had never raised objections to it. He stated that UMSA's debt service rate was currently 1.9 mills, with approximately two to three municipalities below that rate and the remainder above it, depending on their level of services, and offered to provide that information to the Task Force.

Discussion ensued between Mr. Jimenez and Mr. Fernandez regarding the division of services when a municipality annexes an area.

Mayor Dieguez expressed objection to the County's moratorium on incorporations and annexations, particularly in cases where municipalities were seeking to annex adjacent commercial areas to provide property tax relief to their residents, citing the City of Miami Springs as an example. He noted that such applications could serve the additional purpose of diversifying a municipality's tax base. Mayor Dieguez stated that he understood the rationale for excluding business owners from the vote, as most did not reside within the proposed annexation area. He recommended that the County reconsider its moratorium to preserve residents' right to self-determination, and noted that members of the Palm Springs North community had expressed interest in annexation to Miami Lakes.

Discussion ensued between Chairman Kerbel and ACA Valdes regarding how best to address the issue of voting rights in the context of annexations and incorporations.

In response to Chairman Kerbel's invitation, a representative from the Miami-Dade Sheriff's Office advised that the department's transition to a constitutional office had not changed the associated budget costs, as the requirements and personnel costs remained the same and continued to be submitted through the same application processes.

Task Force members discussed with the Sheriff's Office representative the assignment of police officers to municipalities and the chain of command. The representative clarified that day-to-day operations for municipalities had not changed, and that majors and officers assigned to a municipality operated under the direction of that municipality for daily functions. She explained that for administrative purposes, such as facilitating personnel matters, transfers, and resource allocation, police majors fell under the Sheriff's Office table of organization. Mayor Dieguez confirmed this characterization, noting that while majors and officers remained within the Sheriff's organizational structure, they took direction from the municipality's town manager and council for operational matters.

Commissioner Moss advised that his support for incorporations had developed after concluding that municipalities were better positioned to provide higher levels of service to their residents. He expressed concern, however, about annexations in which incorporated cities targeted commercial properties, the primary tax base, leaving insufficient revenue for future incorporation efforts in surrounding unincorporated areas.

In response to Chairman Kerbel's question regarding whether the voting rights framework should apply differently to incorporations versus annexations, Commissioner Moss indicated that the issue of business owner participation had been more pronounced in annexations than incorporations during his time in office. He expressed support for continuing the survey process for proposed annexation areas and suggested that alternative approaches to the incorporation process warranted discussion, given that no resident-initiated petition had ever succeeded. He reflected that communities deserved the opportunity to at least vote on whether they wished to incorporate, and noted the positive results he had observed in areas that had done so.

Chairman Kerbel noted that he was still developing a proposal on a related issue to bring forward at a future meeting.

Ms. Wakefield commented that Commissioner Moss's remarks raised the question of what would happen to areas left behind as incorporations and annexations proceeded, particularly those that no municipality wished to absorb. Using the High Pines and Little Gables situation as an example, she suggested the County should consider how to approach incorporations and annexations with an eye toward avoiding isolated, underserved pockets, and noted that revenue neutrality alone may not be the right framework for addressing that concern.

Commissioner Moss responded that this had been precisely his position, that if a city sought to annex a desirable area such as High Pines, it should also be required to take on adjacent areas like Little Gables. He noted that cities naturally sought to annex high-value commercial properties to strengthen their tax base, but that doing so at the expense of the surrounding unincorporated area left those areas with diminished revenue and a reduced level of services.

In response to Chairman Kerbel's question regarding whether the Task Force wished to address non-elector input through the Charter, Mr. Jimenez stated that while he had raised the issue for discussion, he had concluded it was too complicated to address through Charter language and would be better suited to Chapter 20 of the Code. He stated that the more important priority was addressing the creation of enclaved areas, and recommended that the Charter include language expressly prohibiting incorporations or annexations from creating enclaves. He cited the situation of Little Gables, surrounded on all sides by incorporated cities yet remaining unincorporated, as an example of the operational inefficiencies such enclaves created for fire rescue and other emergency services.

Chairman Kerbel indicated that he favored a more minimal approach, ensuring that the Code contained a mandatory mechanism to assess the impacts of incorporation and annexation proposals on non-residential electors and non-electors, and that the existing survey process be preserved and protected from repeal.

Mr. Jimenez elaborated on his support for requiring surveys of non-resident property owners, noting that commercial property owners often had deep ties to an area, paying taxes and operating businesses there long before incorporation, and deserved to be consulted on decisions that would affect them. He proposed that the survey requirement be elevated from the Code into the Charter, and that it explicitly require non-resident property owners to be surveyed.

Chairman Kerbel directed that this issue be placed on the next Task Force agenda and that the County Attorney's office provide its opinion.

Mayor Losner expressed his personal view that the public's interest in annexation and incorporation reflected concern about the County's ability to maintain service levels in certain areas and a broader question of confidence in County government. He noted that Pinecrest, Cutler Bay, and Palmetto Bay had been able to cherry-pick favorable areas when incorporating. He also raised the possibility of increasing the voter approval threshold for annexation and incorporation from 50% to 60%, suggesting that a higher threshold would ensure broader consensus and reduce the risk of a narrow majority imposing a new tax burden on non-resident property owners.

Discussion ensued among Task Force members regarding the inclusion of certain areas in incorporations and the challenge of achieving revenue neutrality.

Commissioner Moss reiterated that the issue was not the quality of County services per se, but rather that the County was not structurally designed to deliver the kind of localized, city-level services that municipalities could provide. He drew on his experience representing Commission District 9 to illustrate the difference, and stated that he would not object to representing an area that included a challenging neighborhood like Leisure City, as he believed such areas could be improved under the right governance structure.

Mayor Losner raised an additional concern regarding changing dynamics in South Dade, particularly the proliferation of high-density developments along the US 1 corridor that were at least partially non-taxable yet would generate significant demand for police and fire services. He cautioned that this trend, combined with any prohibition on enclaving, could effectively stall future incorporation and annexation efforts in the area due to an insufficient tax base relative to service demands, and characterized this as a growing layer of financial risk for the County.

Discussion ensued between Chairman Kerbel and Mayor Losner regarding the financial implications of high-density development in South Dade.

Chairman Kerbel advised that he was inclined against overly prescriptive Charter recommendations given the complexity of the legislative issues involved, and directed the County Attorney's office to provide additional information at the next Task Force meeting.

Hearing no further discussion on the matters of incorporation and annexation, the Task Force proceeded to the next agenda item.

B. Article 7

Mr. Zizold presented a PowerPoint presentation on the Miami-Dade Parks Department, its governance, and Article 7. He explained that the department operated under a two-tier system, providing park services at a regional level for the County's 2.8 million residents and at a local level for the 1.4 million residents of UMSA, with area-wide parks such as Crandon Park and greenway trails serving the broader county population, and smaller neighborhood and mini parks serving local communities.

Mr. Zizold described the department's mission to create outstanding experiences to enhance the quality of life for the community and its vision to connect people and parks for life, noting that the department served 2.8 million county residents, 1.4 million UMSA residents, and approximately 27 million county visitors annually. He highlighted the department's significant scale, noting that it was the first nationally accredited park system of its size in the country, operating more than 300 parks across 40,000 acres, 60 recreation centers, and over 70 miles of beach. He noted that the department's aquatic facilities and marinas served hundreds of thousands of residents annually, and that Zoo Miami alone drew close to 1 million visitors per year, contributing $20 million directly to the County and generating an estimated $464 million in broader economic impact.

Mr. Zizold described the three guiding policy documents governing the department's operations: 1. Article 7 of the Charter, 2. the Comprehensive Development Master Plan, including its Recreation and Open Space element, and 3. the Parks Open Space Master Plan, the vision and guiding principles of which were adopted by the BCC and incorporated into the Recreation and Open Space element.

Mr. Zizold reviewed the history of Article 7, explaining that its provisions were originally adopted in 1993 as Article 6 of the Charter through a citizen-initiated petition, commonly known as the Save Our Parks Amendment, in response to growing pressure during the 1980s and 1990s to develop parkland for commercial purposes, including proposals for hotels, nightclubs, and housing. He noted that the provisions were renumbered to Article 7 in the early 2000s, and that a 2012 referendum, requiring a two-thirds majority for approval, resulted in amendments allowing libraries within parks, exempting the original soccer park from Article 7 restrictions, and enhancing protections for certain reserved lands. He further noted that in 2022, the BCC established a rule requiring a supermajority for county ballot questions related to Article 7, aimed at ensuring broader consensus for proposed changes. He stated that Article 7 protected land acquired for park purposes, required that all uses within parkland serve a public park purpose, and prohibited the commercialization of parks, and noted that it was the only County department to have had a separate referendum unanimously approved by the public to set standards for how parks were planned, developed, and stewarded.

Chairman Kerbel asked whether any Parks Department projects had encountered difficulties due to restrictions imposed by Article 7, referencing the Metro Zoo as one past example.

Mr. Zizold responded that Article 7 was functioning as intended and aligned with the community's wishes, ensuring that parks were protected in perpetuity and that non-park uses and commercialization were prevented. He advised that the department had no recommendations for revisions to Article 7.

Ms. Escarra raised concerns about the potential impact of State-level property tax changes on parks funding, noting that the department represented one of the County's largest budget areas and could be significantly affected. She referenced media reports about the County considering parking fees at parks as a revenue measure and asked what alternative funding opportunities, such as bed tax revenues or other dedicated sources; might be available to sustain park services. Mr. Zizold acknowledged that funding had always been a challenge for the department and that current conditions had made it more pressing. He noted that the department was exploring the possibility of establishing a dedicated funding source for parks and continued to pursue partnerships with other agencies to support services and park development, all within the constraints of Article 7.

Ms. Escarra encouraged Mr. Zizold to review Article 7, relevant studies, and available opportunities to identify areas where the Task Force might be able to provide assistance, and asked that the department return with information on its financial needs and possible options the Task Force could recommend to address them.

In response to Ms. Escarra's questions regarding utilities on parkland, Mr. Zizold clarified that underground utilities did not generally present an issue under Article 7. He noted that above-ground utilities were permitted under Article 7's exceptions, provided they primarily served park facilities, citing pump stations as a common example.

Discussion ensued among Chairman Kerbel, Ms. Escarra, and Mr. Zizold regarding how the department determined whether a proposed utility met that standard, with Mr. Zizold explaining that the department worked directly with utility providers to assess the scope and reach of their service.

Mr. Eikenberg noted that the Task Force had previously identified certain outdated references within Article 7, such as the designation of "Metro Zoo" rather than "Zoo Miami", that were already being addressed through a practical amendment.

In response to Mr. Eikenberg's question regarding the current total amount of deferred maintenance for county parks, Mr. Zizold advised that he did not have the precise figure available but acknowledged it was substantial, noting that the department managed more than 300 parks with aging infrastructure and was working with OMB to identify resources to address those needs. He committed to providing the exact figure at a later time.

In response to a question regarding the Parks Advisory Board, Mr. Zizold confirmed that a Citizens Parks Advisory Board existed. The Task Force member suggested it could be useful to hear from the Advisory Board, as strong advocates for county parks, regarding any recommendations they might have for Article 7.

Chairman Kerbel asked that the Parks Advisory Board be invited to the Task Force's next meeting at County Hall to share its perspective and any suggestions it wished to offer.

Ms. Escarra asked Mr. Zizold to have the department review its finances and identify existing opportunities, including expiring leases, bed tax potential, and other revenue possibilities, that the Task Force could recommend to address the department's funding needs, encouraging the department to think creatively within the bounds of Article 7.

Hearing no further discussion on Article 7, the Task Force proceeded to the next agenda item.

V. Comments/Discussion by Task Force Members

A. Clerk's Meeting Minutes – None presented

B. Other Discussion Items

Ms. Galvez reminded the Task Force members of the Clerk's Office proposal regarding Section 6.05 of the Charter, which had been raised at the Task Force's first meeting. She explained that the proposal sought to modify the Clerk's role in the petition process, specifically by transferring

to county administration certain functions currently assigned to the Clerk, including reviewing petition forms, verifying boundaries, and confirming their accuracy.

Chairman Kerbel acknowledged the reminder and inquired whether proposed language was readily available.

ACA Valdes advised that the matter had been tabled at the prior meeting because it involved policy considerations beyond a simple ministerial change, namely, whether the County wished to divest the Clerk of those responsibilities and, if so, which entity would assume them.

Chairman Kerbel indicated he was not seeking a motion on the matter that evening but wished to have proposed language available for the next meeting so the Task Force could review it in advance.

Ms. Galvez confirmed the Clerk's Office would prepare proposed language for the Task Force's consideration, and Chairman Kerbel requested that it be submitted to staff in advance of the next meeting so it could be circulated with the agenda.

Ms. Escarra suggested that the proposed language also be shared with the Mayor's Office for review and input.

Chairman Kerbel concurred, directing that the administration team review the language and provide its best recommendation.

Ms. Galvez clarified that the Clerk's proposal was intended to improve efficiency in the incorporation process, specifically in how information was reviewed, processed, and routed, and was not intended to create additional complexity.

Chairman Kerbel announced that the Task Force's next meeting would be held on March 24, 2026, at 10:00 a.m. in the County Commission Chambers, 111 NW First Street, Second Floor, Miami, Florida.

VI. Adjournment

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting was adjourned at 7:25 p.m.

EXHIBIT
IV.A

Kerbel – Establishing Boundary Commission for Annexation and Incorporations

(Including Jimenez Motion Codifying Survey of Property Owners in Annexation Process)

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 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 (⅔) 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 [redacted] 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~~]]>>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 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~~]] >>After<< approval of the above form by the Clerk, 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,<< [[T]]>>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,<< [[T]]>>t<<he signed petitions will be submitted to the Supervisor of Elections, who shall [[may

[[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<< certif>>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 >>Board<< 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.<<

* * *

>>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.<<

CHARTER REVIEW TASK FORCE MEETINGS:



Members of the public may speak on any area of the Miami-Dade County Charter.

Make your voice heard today!

Monday, February 23, 2026
5:30 - 8:00 p.m.
Westchester Regional Library
9445 Coral Way Miami, FL 33165

Tuesday, March 24, 2026
10 a.m. – 1 p.m.
Stephen P. Clark Center
Commission Chambers
111 NW 1st Street, Miami, FL 33128

Tuesday, April 7, 2026
10 a.m. – 1 p.m.
Stephen P. Clark Center
Commission Chambers
111 NW 1st Street, Miami, FL 33128

Tuesday, April 28, 2026
10 a.m. – 1 p.m.
Stephen P. Clark Center
Commission Chambers
111 NW 1st Street, Miami, FL 33128

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force

Stephen P. Clark Building,
111 NW 1st Street,
Commission Chambers,
Miami Florida 33126
April 28, 2026
As Advertised

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

Basia Pruna, Director
Clerk of the Board Division

Zorana Milton, Commission Reporter
(305) 375-3570

FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
April 28, 2026

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened a meeting at the Stephen P. Clark Building, 111 NW 1st Street, 2nd Floor Commission Chambers, Miami, Florida 33128 at 10:26 a.m.

I. ROLL CALL

Prior to the Roll Call, Deputy Clerk Zorana Milton announced that Senator Alexis M Calatayud, Ms. Stephanie V. Daniels, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were excused from today's meeting.

The following Task Force members were present at roll call:

- Ms. Iris Escarra;
- Mr. Robert Henry Fernandez;
- City of Homestead Mayor Steven D. Losner;
- Former Miami-Dade Commissioner Dennis Moss;
- Former City of North Miami Mayor Andre Pierre;
- Former Miami Shores Village Mayor Crystal Wagar;
- Ms. Rebecca Wakefield; and
- Chairman Dennis A. Kerbel.

The following Task Force member was absent:

- Town of Miami Lakes Mayor Joshua Dieguez

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

- Assistant County Attorneys (ACA) Mr. Michael Valdes and Sophia Guzzo;
- Dr. Carladenise Edwards, Chief Administrative Officer, Office of the Mayor;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Deldra Owens, Legislative Analyst, Commission District 8; and
- Ms. Zorana Milton, Deputy Clerk, Clerk of the Board

II. Pledge of Allegiance

Chairman Kerbel led the Pledge of Allegiance.

III. Reasonable Opportunity to be Heard

Chairman Kerbel opened the reasonable opportunity for the public to be heard, and the following individuals came forward to speak:

Mr. Oren Rosenthal, General Counsel to the Miami-Dade County Supervisor of Elections, thanked the Task Force members for their time, effort, and attendance, acknowledging the demanding and uncompensated nature of their service.

Addressing the final draft report, Mr. Rosenthal directed the Trust members' attention to page 6, he noted that the final sentence of one paragraph improperly implied that all recommendations submitted by the County Constitutional Officers had been accepted and incorporated into Recommendation No. 1. He requested that the language be revised to clarify that only certain recommendations, specifically those required by law, along with a limited number of others, had been incorporated, and that several recommendations had not been accepted by the Task Force.

Commenting on the report's structure, Mr. Rosenthal noted that prior Task Force final reports had included explanations addressing why particular recommendations were accepted or rejected, as well as descriptions of those that were not adopted. He referenced the 2008 Charter Review Task Force report as an example, which had included a dissenting report addressing rejected recommendations. Mr. Rosenthal expressed concern that the current draft lacked similar explanations, which he believed would limit the ability of the Board of County Commissioners (Board) or other reviewing parties to fully understand the Task Force's deliberations. He concluded by suggesting that directing the public or the Commission to rely solely on the Clerk's minutes for this information would be a disservice.

Ms. Naomi Levi Garcia, General Counsel, Office of the Tax Collector, conveyed the Tax Collector's appreciation for the Task Force's work and proposed one minor revision to the final draft report. Specifically, she recommended that Section 5.04(E), which addressed the assessment and collection of taxes, be amended to replace the reference to "the County" returning tax revenues monthly to municipalities with a reference to "the Tax Collector," in order to provide greater specificity and clarity.

Seeing no one else come forward to speak, the reasonable opportunity to be heard was closed.

IV. SPECIAL PRESENTATIONS

A. Mayor Daniella Levine Cava

On behalf of Miami-Dade County Mayor Daniella Levine Cava, Dr. Carladenise Edwards expressed appreciation to the Task Force members for their commitment to the process of reviewing Miami-Dade County's Home Rule Charter. She noted that the document presented had been prepared to serve the future needs of Miami-Dade County residents and the community as a whole.

Dr. Edwards noted that, during Mayor Levine Cava's tenure as a County Commissioner, she had sponsored charter reform and brought the item forward through legislation drafted in 2017. In drafting that legislation, the Mayor had placed emphasis on public input and the creation of a task force with dynamic membership, similar in character to the current group.

Dr. Edwards described Miami-Dade's Home Rule Charter as the County's foundational governing document, one that established rules, ensured residents had a bill of rights, and outlined the essential structure and values of County government. She noted that the Task Force's recommendations would result in necessary updates intended to make government more efficient and would help shape the future of the County for generations to come. Dr. Edwards further observed that, since the last charter review process, significant changes had occurred in local government, including the establishment of five (5) constitutional offices and growing state involvement in local matters spanning land use, transportation, wages, and local business contracting. She stated that these shifts underscored the importance of reviewing the Charter and had created a unique opportunity, through the Task Force's leadership, to elevate community voices and ensure robust public input.

In closing, Dr. Edwards conveyed Mayor Levine Cava's appreciation to departmental staff, the County Attorney's Office, and all individuals who helped make the meetings possible, transparent, and impactful. She noted that the Mayor regretted being unable to attend in person but had wanted her recognition of the Task Force's work to be conveyed directly.

B. Commissioner Danielle Cohen Higgins

Later in the meeting, following the consideration of other business items, Ms. Owens appeared on behalf of Commissioner Cohen Higgins, and conveyed her regrets for being unable to attend the meeting in person and expressed the Commissioner's appreciation for the hard work of all Task Force members.

She stated, as sponsor of the legislation that reestablished the CRTF, Commissioner Cohen Higgins believed it was critical for Miami-Dade County to undertake a deliberate and transparent review of the Home Rule Charter, particularly following the establishment of the constitutional officers under Amendment 10 and the growing challenges surrounding annexation, incorporation, and preservation of the Urban Development Boundary (UDB). Ms. Owens spoke about the role of the Home Rule Charter as the foundation of Miami-Dade County government, and noted that recommendations for amendment must be approached with serious consideration, strong public engagement, and a long-term view of how such decisions would affect County residents.

V. COMMENTS/DISCUSSION BY TASK FORCE

A. Clerk's Meeting Minutes

Commissioner Moss moved to approve the March 24, 2026 and April 7, 2026 meeting minutes which were included in the agenda package. This motion was seconded by Mayor Pierre and, upon being put to a vote, passed 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

Chairman Kerbel advised the Task Force that since today's meeting minutes had not yet been prepared, a delegation of authority would be needed to allow him to approve these minutes on behalf of the Task Force once they were ready. Commissioner Moss moved that the Task Force provide the delegation of authority to the Chairman Kerbel to approve the April 28, 2026 Charter Review Task Force meeting minutes once they were prepared. This motion was seconded by Mr. Robert Fernandez and, upon being put to a vote, passed by a vote of 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

B. Draft Final Report

ACA Valdes advised the Task Force that an omission had been identified in the recommendations. He explained that, while the matter had previously been discussed, no formal item had been drafted. Specifically, he noted that Mayor Losner had proposed increasing the residency requirement for commission candidates from six months to one year.

ACA Valdes advised that a draft of the recommendation had been disseminated to members and could be added to the final report, suggesting it be inserted between Recommendations 4 and 5, with the remaining recommendations renumbered accordingly.

Upon consideration of the proposed addition, Mayor Losner moved to accept the omitted recommendation, increasing the residency requirement for commission candidates to reside in the district from six months to one year. This motion was seconded by Mayor Wagar, and upon being put to a vote, passed by 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

Following adoption of the foregoing motion, Commissioner Moss moved that the Trust approve Chairman Kerbel's delegated authority to make any necessary technical changes to the report affecting the numbering or reordering of recommendations in the final report. This motion was seconded by Mayor Wagar, and upon being put to a vote, passed by 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

ACA Valdes further advised that the draft final report included in the agenda package did not use consistent formatting and highlighting to delineate proposed changes. He suggested replacing the versions of Recommendations 1, 2, and 3 in the agenda package with highlighted versions that clearly identified the changes.

Upon consideration of the recommendations, Mayor Wagar moved to approve replacing recommendations 1, 2, and 3 of the report with the highlighted versions delineating the changes to the draft final report included in the agenda package. This motion was seconded by Commissioner Moss and, upon being put to a vote, passed by 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

Chairman Kerbel noted that a modification was needed to the description on page 6 regarding the Task Force's consideration of the constitutional officers' suggestions, and requested a motion to revise the paragraph accordingly.

ACA Valdes suggested revising the last sentence of the second paragraph under Section B, Recommendations, to read: *"These recommendations included removing obsolete references to align with state law and other suggested changes. Some of those recommendations were accepted as part of Recommendation 1."*

Ms. Escarra moved to revise the last sentence of the second paragraph under Section B, Recommendations, to read: *"These recommendations included removing obsolete references to align with state law and other suggested changes. Some of those recommendations were accepted as part of Recommendation 1."*This motion was seconded by Mayor Losner, and upon being put to a vote, passed by a vote of 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

Chairman Kerbel asked ACA Valdes to address the Tax Collector's requested changes.

ACA Valdes clarified that Section 5.04(C) had previously been modified to include the words "ad valorem" and suggested a conforming revision to Section 5.04(E) to read: *"All the ad valorem tax revenues collected shall be returned monthly by the Tax Collector,"* making the language in Section E consistent with the changes already made to Section C.

Ms. Garcia indicated that the suggested revision was satisfactory to the Tax Collector's office and further suggested that Sections D and E could be eliminated entirely.

Chairman Kerbel declined to delete Sections D and E without fuller discussion, and instead proposed striking the words "by the county" from Section E, explaining that the Charter's intent was to require that taxes collected for a municipality be returned monthly, without specifying which entity bore that responsibility.

Ms. Escarra moved to revise Section 5.04(E) by deleting the words "by the county," such that the sentence would read: *"All the tax revenues collected for any municipality shall be returned monthly to the municipality."*. This motion was seconded by Mayor Losner, and upon being put to a vote, passed by a vote of 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

Turning to the Supervisor of Elections' concern regarding the addition of a section addressing items considered but rejected by the Task Force, Chairman Kerbel inquired whether that information could be incorporated into the final report.

Mr. Damian de la Paz responded that staff could update the report accordingly and noted that, upon reviewing prior reports, variations existed in how such information had been handled. He advised that the 2017 report included a section titled "Failed Recommendations" but did not contain dissenting or concurring opinions from Task Force members, while the 2008 and 2012 reports had included sections with such opinions.

Chairman Kerbel suggested adding a section to the report identifying what the Task Force had considered but ultimately did not recommend.

In response to Mayor Losner's inquiry regarding proposals for which no formal discussion had occurred, Chairman Kerbel explained that if an idea had been raised, it should be reflected in the Clerk's minutes, and the report should indicate that the matter had been referenced but that no action had been taken.

Commissioner Moss expressed concern about labeling such a section with the word "failed," referencing its use in a prior report, and advised against including similar language in the current report.

Chairman Kerbel suggested instead that the section be titled to reflect amendments that had been discussed but not adopted.

Mayor Wagar moved to include a section in the report identifying other amendments discussed by the Task Force but not adopted. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed by a vote of 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

With regard to Recommendation 7, Establish Boundary Commission, on page 4, Ms. Escarra noted that the current language suggested the Boundary Commission was an entirely new concept, when in fact the County had an existing process in place through the Planning Advisory Board. She indicated that the language should instead reflect that the Task Force had enhanced the existing process by establishing the Boundary Commission.

Chairman Kerbel suggested replacing the reference to "Planning Advisory Board" with "Boundary Commission" to address this concern.

Ms. Escarra moved to replace “Planning Advisory Board” with “Boundary Commission” on page 4, Recommendation 7.This motion was seconded by Ms. Wakefield, and upon being put to a vote, passed by a vote of 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V. Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

Following the conclusion of discussion on the final report, Mayor Pierre moved to adopt the report and to provide Chairman Kerbel with delegated authority to make any necessary changes discussed during the meeting. This motion was seconded by Mr. Fernandez and, upon being put to a vote, passed by a vote of 8-0 (Senator Alexis M. Calatayud, Ms. Stephanie V.

Daniels, Mayor Joshua Dieguez, Mr. Eric J. Eikenberg, Mr. Rafael E. Granado, Mr. Jose Jimenez, and Vice Chairman Michael Redondo were absent).

C. Other Discussion Items

Chairman Kerbel expressed appreciation to both Commissioner Cohen Higgins and Mayor Levine Cava for their support throughout the process. He extended additional thanks to staff, including those from the County Attorney's Office, the Clerk's Office, and county departments, as well as to Mr. Rosenthal, who attended every meeting in his capacity as ex officio counsel, noting that the work could not have been accomplished without their efforts.

Responding to Mayor Wagar's inquiry regarding when the report would be presented to the Board, it was confirmed that the report would be placed on the BCC agenda for the second meeting in May, anticipated to be May 19, 2026, with no committee review, proceeding directly to the full Board.

In closing, Task Force members individually expressed appreciation to the appointing commissioners who had placed their trust in them, to Mayor Levine Cava and her staff, to Commissioner Cohen Higgins for advancing the charter review process, and to Chairman Kerbel for his leadership. Each member acknowledged the dedication of Task Force staff and stated that it had been an honor and privilege to serve.

VI. ADJOURNMENT

There being no further business before the Charter Review Task Force, the meeting was adjourned at 11:05 a.m.



Chairman Dennis A. Kerbel