

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY CHARTER SHOULD BE AMENDED TO CLARIFY THE ONE-YEAR RESIDENCY REQUIREMENT TO QUALIFY FOR OFFICE AS “IMMEDIATELY” PRIOR TO QUALIFYING, CLARIFY FILING REQUIREMENTS FOR QUALIFYING BY PETITION (CHARTER SECTION 6.03); CLARIFY AND CONFORM TO FLORIDA LAW THE RESTRICTION ON QUALIFYING FOR MORE THAN 1 CITY OFFICE, REPLACE CERTAIN OBSOLETE REFERENCE TO “COMMISSIONER” WITH “COMMISSION MEMBER” (CHARTER SECTION 2.01); AND CONFORM CHARTER SECTION 1.07 TO INCLUDE ALL NONDISCRIMINATION CLASSIFICATION CATEGORIES IN CHAPTER 62 OF THE CITY CODE.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 5, 2024, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials.¹

¹ Pursuant to City Code Section 38-3(b): “...The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City’s website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held.”

SECTION 4.

Notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA
NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 5th DAY OF NOVEMBER, 2024, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

Charter Amendments: Clarifying and Conforming Certain Charter Language to Applicable Laws and/or Current Usage

Shall Charter be amended to clarify that the one-year residency requirement to qualify as candidate applies to the year "immediately" prior to qualifying, and clarify filing requirements for qualifying by petition (Charter 6.03); clarify and conform to Florida law restriction against qualifying for more than 1 City office, and replace certain obsolete reference to "Commissioner" with "Commission member" (Charter 2.01); amend Charter 1.07 to include therein all nondiscrimination classification categories in Code Chapter 62?

Yes _____

No _____

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 5, 2024, hereby called, shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

Charter Amendments: Clarifying and Conforming Certain Charter Language to Applicable Laws and/or Current Usage

Shall Charter be amended to clarify that the one-year residency requirement to qualify as candidate applies to the year “immediately” prior to qualifying, and clarify filing requirements for qualifying by petition (Charter 6.03); clarify and conform to Florida law restriction against qualifying for more than 1 City office, and replace certain obsolete reference to “Commissioner” with “Commission member” (Charter 2.01); amend Charter 1.07 to include therein all nondiscrimination classification categories in Code Chapter 62?

Yes _____
No _____

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until October 7, 2024. All persons eligible to vote at this Special Election must be registered by the date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 11.

That if the Charter Amendment provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject Charter Amendment, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

Upon the Charter Amendment's approval by a majority of the qualified electors of the City voting on such measure in the election and the City Commission's acceptance of certification of final election returns, the City Clerk is hereby directed to have the subject Charter amendment incorporated into the City Charter, file such Amendment with the Clerk of the Circuit Court and file the revised Charter with the Department of State.

SECTION 13.

In the event that some, but not all, of the Charter amendments on the City's subject November 5, 2024 Special Election ballot are approved by the electors, conforming amendments shall be deemed to be adopted, and the City Attorney is authorized to reflect and implement such revisions to the Charter, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 14.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or Charter Amendment set forth in Exhibit A and incorporated herein is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution, ballot measure or Charter Amendment.

SECTION 15.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2024.

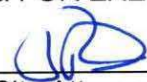
ATTEST:

STEVEN MEINER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

(Sponsored by the Mayor and City Commission)

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK Date 7/16/2024

EXHIBIT "A"

**CITY CHARTER AMENDMENT RE:
CLARIFY/CONFORM TO APPLICABLE LAWS AND/OR CURRENT USAGE**

**BALLOT QUESTION AND PROPOSED AMENDED CITY CHARTER TEXT
NOVEMBER 5, 2024 SPECIAL ELECTION**

Ballot Question:

Charter Amendments: Clarifying and Conforming Certain Charter Language to Applicable Laws and/or Current Usage

Shall Charter be amended to clarify that the one-year residency requirement to qualify as candidate applies to the year "immediately" prior to qualifying, and clarify filing requirements for qualifying by petition (Charter 6.03); clarify and conform to Florida law restriction against qualifying for more than 1 City office, and replace certain obsolete reference to "Commissioner" with "Commission member" (Charter 2.01); amend Charter 1.07 to include therein all nondiscrimination classification categories in Code Chapter 62?

Proposed Amended Charter Text:

Charter Section 1.07. - Public vote required to repeal, diminish, or otherwise negatively impact a right or duty established in Miami Beach City Code Chapter 62 that inures to the benefit of a member of the classification categories of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital status, familial status, and age, and all other classification categories set forth in and as defined in City Code Section 62-31.

Any revision to Chapter 62 of the Code of the City of Miami Beach, entitled Human Relations, that repeals, diminishes, or otherwise negatively impacts a right or duty established in that section that inures to the benefit of a member of the classification categories of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital status, familial status, and age, and all other classification categories set forth in City Code Chapter 62, as defined in section 62-31, must be approved by a majority of the voters in a city-wide referendum.

Charter Section 2.01. - Number and selection.

The City Commission shall consist of six (6) City Commissioners and a Mayor who shall be elected at large. Each City Commissioner member shall be a qualified elector of the City. City Commissioners shall be elected for groups numbered and designated I—VI. No candidates for the office of ~~Commissioner~~ shall be permitted to qualify for more than one (1) office; group, or for the office of Mayor i.e. a candidate may qualify for either Mayor or one (1) Commissioner group.

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Charter Section 6.03. - Qualifying.

The City Commission shall cause to be placed on the ballot to be used in the general election the name of any qualified elector of the City residing within the City at least one year immediately prior to qualifying and who, within the four (4) consecutive days immediately following the first Monday of September prior to said general election, 1) shall have submitted one (1) or more documents upon which he/she relies upon to evidence that he/she has resided in the City for at least one year immediately prior to qualifying, which type document(s) shall include but not be limited to: a Florida government issued identification, a voter's registration card, driver's license, property tax receipt, homestead exemption, utility bill or lease agreement, 2) shall have paid to the City Clerk of the City of Miami Beach the sum equal to seven and one-half percent (7½%) of the annual salary of the office to which he/she seeks election as a qualifying fee, and 3) shall have been photographed and fingerprinted by the identification bureau of the Police Department of the City, unless such person shall file with the City Clerk no later than noon of the 14th day prior to the first day of qualifying as a candidate for such office; the above qualifying documents evidencing residency, photograph, and fingerprints (no qualifying fee), along with a petition approving his/her candidacy signed by sufficient qualified and registered voters to constitute not less than two percent (2%) of this number of such voters as the same shall be on the date sixty (60) days prior to the first day of qualifying as a candidate for office; in the event the Miami-Dade County Elections Department has not issued its certificate verifying the required number of valid signatures on the subject qualifying petition by 5:00 p.m. on the second day of the City's four-day qualifying period, the City's 7½% qualifying fee shall be waived by the City in the event the subject candidate should otherwise qualify for office pursuant to this Charter section. All candidates qualifying for office shall have taken, signed and subscribed to an oath or affirmation in writing in which he/she shall state (1) the title of the office for which he/she is a candidate; (2) that he/she is a qualified elector of the City of Miami Beach, Florida, and has resided in the City at least one year immediately prior to qualifying; (3) his/her legal residence, by street and number; (4) that he/she is qualified under the ordinances (including Miami Beach City Code Chapter 38 governing "Elections") and Charter of the City of Miami Beach, Florida, to hold the office for which he/she is a candidate.

Such oath or affirmation shall be substantially in the following form:

STATE OF FLORIDA)	
		SS:
COUNTY OF DADE)	

Before me, an officer authorized to administer oaths, personally appeared to me well known who, being sworn, says that he/she is a candidate for the office of City Commissioner (Group No. _____ (or Mayor) for the City of Miami Beach, Florida; that he/she is a qualified elector of said City residing within the City at least one year before immediately prior to qualifying for City of Miami Beach elected office; that his/her legal residence is: _____, Miami Beach, Dade County, Florida; that he/she is qualified under the ordinances (including Miami Beach City Code Chapter 38 governing "Elections") and

Charter of said City to hold such office; and that he/she has paid (if applicable) the required qualification fee.

/s/

Signature of Candidate

Sworn to and subscribed before me this ____ day of _____ A.D., 19 ____.

/s/

Authorized Officer

The City Commission shall, by ordinance, prescribe the manner of holding general and special elections not inconsistent with the provisions hereof, and shall, by ordinance or resolution, prescribe polling places in the various voting precincts in the City.