WITHIN the next few months, the voters of Dade County will be called upon to reach a decision and render a verdict on an extremely important issue and an extremely controversial one; namely, city-county consolidation. Because of the fundamental and far-reaching effects which consolidation will have upon the future welfare of the county and its citizens and because of the widespread misunderstanding which exists throughout the county as to the nature and implications of the proposal, the Dade County Research Foundation has accepted the invitation of the editor of the Miami Law Quarterly to prepare this article which describes the proposal, indicates its probable effects, summarizes the issues confronting the voters, and analyzes the arguments for and against consolidation. The article is divided into six parts as follows:

Part 1. Findings and Recommendations
Part 2. What is City-County Consolidation?
Part 3. Consolidation in Dade County Prior to 1947

1 This article was prepared by John F. Willmott, executive director of the Dade County Research Foundation, with the assistance of A. E. Buck, Jr. and Annis C. Muller of the foundation's staff. Mr. Willmott spent fifteen years with citizen research bureaus in San Francisco, Kansas City (Kansas), and Chattanooga. For five years he was administrative consultant for Public Administration Service and was also assistant secretary of the International City Managers' Association and associate editor of Public Management. For six years prior to coming to Miami in 1947, he was on the staff of the Bureau of the Budget.

The foundation is a non-partisan, non-political citizens' association which was established in 1947 to cooperate with public officials in improving the local governments of Dade County and to bring about greater economy in the operation of these governments. Like all of the foundation's published reports, this article has been reviewed in detail and has been approved by the board of directors as the official position of that organization.
Part 4. The Present City-County Consolidation Proposal
Part 5. Effects and End Results
Part 6. Arguments For and Against Consolidation

In view of the fact that many citizens even yet have not read the constitutional amendment upon which they will vote next May, there are appended to this article the complete text of the amendment and of the two related special acts.

PART 1
FINDINGS AND RECOMMENDATIONS

1. In our opinion, we have too many governments in Dade County; too much conflict, too much duplication, too much buck-passing between governments. There is urgent need for governmental simplification through consolidation, commencing with consolidation of Dade County and the City of Miami under a home rule charter.

2. The development of our harbor facilities, the building of an integrated system of highways and parks, the acquisition of a new railroad terminal and relocation of the tracks, the modernization of Jackson Memorial Hospital—these and other pressing needs of countywide concern will never be satisfactorily met until the people of Greater Miami set up a strong and unified government which is capable of seeing the problems of the entire area and solving them in a businesslike way.

3. In this report we have listed the major arguments put forward by those who advocate consolidation and the principal arguments advanced by the opponents of consolidation. After carefully analyzing the contentions of both sides, it is our considered judgment that the arguments for consolidation far outweigh the arguments against consolidation.

4. Despite its defects, the proposed amendment is, in our opinion, basically sound and workable. We believe that a good charter can be drafted under its terms. Accordingly, we strongly urge the voters to vote "yes" on the proposed amendment, Joint Resolution 407, at the Second Primary Election on May 25, 1948, in order to get a home rule
charter drafted and submitted to the voters of the county for their approval or rejection.

5. In view of the charges which have been made to the effect that the proposed amendment (Joint Resolution 407) is unconstitutional, we urge that steps be taken at once to bring about a test of its constitutionality before the May primary, thereby clarifying the issues.

6. At the same time, we recommend that a declaratory judgment be sought which will invalidate the provision whereby, if a charter is rejected by the voters, a new charter board must be elected 30 days thereafter to frame a new one, and the process is repeated over and over until some charter is adopted.

7. If the constitutional amendment is adopted and a charter board created, we urge its members to use all the time and resources which may be required for a thorough study of the situation, for consulting the citizens, and for drafting a satisfactory charter. The Dade County Research Foundation will make its facilities freely available to assist the charter board in the preparation of an adequate charter. If, however, the final charter is not a good one, we shall publicly expose its defects and urge the voters to reject it.

8. If the pending amendment is voided by the courts and ruled off the ballot, or if it is defeated by the voters, then we propose that a new consolidation plan be drafted under the direction of a representative group of citizens of the county, including citizens of the suburban municipalities and rural areas, and that it be based upon a thorough and comprehensive survey of existing governments and of the governmental needs of all sections of the county.

PART 2
WHAT IS CITY-COUNTY CONSOLIDATION

What is city-county consolidation and where has it been tried? When and why was it adopted? What is the difference between the various consolidations now in effect throughout the country and the plan which is proposed for Dade County?

Types of Consolidation

There are a number of different types of consolidation
which have been adopted or proposed in various metropolitan communities throughout the United States.

1. **Complete, Countywide Consolidation.** Under this plan, all local governments in the county, including the county government, are consolidated in one highly centralized government, which takes over all municipal and county functions. This general type of consolidation will work in a relatively small and compact county.

Such a consolidation was adopted for New Orleans by the territorial legislature in 1805, the year in which the city was incorporated. County boundaries were made identical with city boundaries. Later on, the city was split into three municipalities, but these were merged in 1852. Ever since, the City of New Orleans has been consolidated with its “parish” or county.

The same type of consolidation was adopted in modified form for Philadelphia by the Pennsylvania legislature in 1854, after ten years of active agitation. The taxpayers rebelled at supporting 28 boroughs and other local units on top of the city and county governments. There was also a great deal of dissatisfaction with the inefficient police service rendered by these separate governments. Accordingly, all local units in the county, except the county government, were absorbed by the City of Philadelphia. The city and county merged their respective functions, although each continued as a distinct legal entity. Even this partial consolidation has been whittled down by provisions of a later (1874) state constitution and by subsequent legislation and court decisions. As a result, Philadelphia needs a constitutional amendment to bring about unequivocal consolidation of the city and county. Such an amendment was approved by a large majority of Philadelphia voters in 1938 but defeated in the state as a whole.

2. **Complete Consolidation—Not Countywide.** Under this plan, sometimes called city-county separation, the central city is consolidated with either (a) that portion of the county which lies within the existing city limits or (b) the foregoing area plus a part of the suburban area. The outlying fringe of the county (the suburban or rural area or both) is then consolidated with some adjacent county or counties. Looking at it from one standpoint, the city
is torn away, separated from the existing county. Looking at it from another angle, it is the outlying fringe which is separated.

This type of consolidation was adopted for Baltimore in 1851 by acts of the Maryland legislature which separated the City of Baltimore from Baltimore County. This change was the result of dissatisfaction over legislative apportionment and over the distribution of county costs between the urban and rural areas of the county. Both sides agreed to the separation. Officials of the City of Baltimore were given the powers and duties of county officials within the city limits. Although the city has never been formally designated as either a county or a city-county government, both constitution and statutes place it on the same footing as a county.

In 1856, an act of the California legislature extended San Francisco’s city limits and separated this area from the county. The rest of the county became San Mateo County. This consolidation resulted from public exasperation with flagrant corruption and lawlessness in the city government during the “Gold Rush.” It so happened that the county government at that time was operated with greater efficiency and economy. The citizens were so impressed with the contrast that they readily agreed to a reorganization whereby the officers of the County of San Francisco became the officers of the new City and County of San Francisco.

In 1876, the City of St. Louis was separated from St. Louis County by the state constitution adopted the previous year. This action was the culmination of a 34-year campaign by the city's civic leaders who were exasperated with reported scandals in the conduct of the county government. City taxpayers resented the high taxes which were levied upon them by the county—on top of city taxes; particularly since most of the county's revenue was spent outside the city limits.

Under the original charter, the city became, in effect, a county with city officers exercising county powers. Subsequent legislative and judicial subterfuges have whittled down the original concept, with the result that city voters now have little authority over police, licensing, register
of elections, sheriff, recorder, and the various judges and clerks of courts.

A somewhat similar consolidation—or rather separation—was adopted for Denver in 1902 by an amendment to the Colorado constitution which was approved by the voters of the entire state. The City of Denver and suburbs were detached from Arapahoe County and merged in the City and County of Denver. City and county functions were consolidated and all county administrative officers were abolished except the sheriff. A home rule charter for the consolidated government was adopted by the voters of Denver in 1904. This action was followed by a long and savage battle in the courts which ended in 1916 when the constitutional amendment was finally sustained following a complete reversal by the supreme court of Colorado.

City-county separation is standard procedure in Virginia. The constitution of that state, following the English practice, provides that all cities of over 10,000 population are, at the same time, counties. There are 24 such cities, of which the largest is Richmond. The suburbs of these cities are in the adjoining counties.

This type of consolidation—separation of the central city from its county—simplifies the governmental structure within the central city, but divides the metropolitan area between two counties, thereby blocking future expansion of the central city-county. As time goes on, and the city overflows its existing boundaries, there is agitation for reuniting the “lost provinces” with the central city-county. No such agitation has been reported from Baltimore, but there are well-defined movements in other cities.

For years, San Francisco citizens have been urging the citizens of San Mateo County to return to the fold. San Francisco’s present charter provides a procedure for such reconsolidation. However, San Mateo citizens appear to be satisfied with the existing state of affairs and have thus far ignored the invitation. Proposals for merging the County of St. Louis with the city of the same name and adopting a compound consolidation (type 4) were defeated by the voters in 1926 and 1930.

Several of the Virginia cities have annexed surrounding
territory; however, the process has deprived some counti-
ties of 50 percent of their taxable valuation and has also
raised serious problems for the cities.

3. Subordinate Districts. Another type of consolidation
is that whereby municipalities and other local govern-
ments are merged with the county government, but be-
come subordinate districts of the greater city and retain
control over certain administrative functions. The consoli-
dation which was proposed for Dade County in 1945 was
evidently of this type for it provided for "subordinate
districts." Similar language appears in two amendments
to Florida's constitution which authorizes the legislature
to adopt special charters consolidating the City of Jack-
sonville with Duval County and the City of Key West with
Monroe County. Such charters are subject to a local refer-
endum. A charter consolidating the City of Jacksonville
with Duval County was enacted in 1935 but rejected by the
voters 9,499 to 7,175. A similar charter was drafted for
Key West but was held in abeyance when opposition devel-
oped to the particular plan proposed. Both the Jackson-
ville and Key West amendments remain in effect and au-
thorize the drafting of charters at any time by special act
of the legislature.

New York City's consolidation can probably be classified
as the subordinate district type, although it is really in a
class by itself. The process of consolidation commenced in
1896 but it is not yet complete. Under its present charter
adopted by the voters in 1936, New York City still has
within its boundaries one city government, five boroughs,
and five counties. The boroughs (Manhattan, Brooklyn,
Bronx, Queens, and Richmond) have practically the same
boundaries as the counties. Neither the borough nor the
counties have any legislative discretion. Each borough has
an elected president. He has charge of highways, side-
walks, local sewer and drainage systems, public baths, bor-
ough buildings, and bridges and tunnels (other than those
which cross navigable streams). The borough presidents
are ex-officio members of the Board of Estimate which is
the city's highest legislative body. Most county functions
were transferred to city officials at the time of consolida-
tion, but the counties were not abolished. Certain county
offices—notably the district attorneys, sheriffs, and registers—were continued and are still in existence. New York’s civic leaders have been trying for years to abolish these useless tax-wasting offices. To date, political opposition has been sufficiently strong to prevent this needed reform.

4. Compound Consolidation. Under this plan, which is sometimes called the federal plan, an over-all metropolitan government is given countywide jurisdiction over certain functions of countywide concern, while some or all of the pre-existing units retain their autonomy in local matters and continue to render local services. This type of consolidation prevents the hazards and abuses of over-centralization, gives each locality the kind and quantity of services it wishes, and provides tax differentials for the central city and its suburbs. All of these areas may then decide for themselves whether they want a very complete—and therefore expensive—program of local services or a very simple and inexpensive fare. Compound consolidation is more flexible in that it permits a progressive shift of functions from the smaller units to the county or metropolitan government whenever the citizens wish to take such action.

This type of consolidation is highly regarded by experts on metropolitan government and is coming to the fore in this country, yet it has not been adopted or put into effect anywhere in the United States. It was proposed for Pittsburgh (1929) and St. Louis (1930) following surveys by experts but was defeated by the voters. A similar proposal was formulated last year for Jefferson County (Birmingham), Alabama by a legislative advisory commission which conducted a two-year study of the problem. Constitutional amendments and legislation are now being drafted to put the commission’s recommendations into effect.

The plan now proposed for Dade County evidently evinces a compound consolidation, for it provides for division of the county into districts, zones, or boroughs, and preserves the suburban municipalities (except North Bay Island, West Miami, Virginia Gardens, and Flagler City) until such time as they subsequently vote to consolidate.

5. Functional Consolidation. This plan consists of transferring specific functions from municipalities to the county
government without disturbing other functions of the governments involved. It is the simplest and most common form of consolidation. In several states all city and county taxes are assessed and collected by county officials. There are no city assessors or city tax collectors in these states. Two functional consolidations (health and schools) have already taken place in Dade County. Such a consolidation was approved for De Soto County, Florida, by the 1947 legislature and will soon be submitted to the voters. This act, which was upheld by the supreme court on February 28, 1948, provides for the transfer of certain municipal functions from the City of Arcadia to De Soto County.

An extensive functional consolidation (type 5) would be roughly equivalent to a mild form of compound consolidation (type 4). The consolidation which was adopted by the voters of the City and Parish (i.e., county) of Baton Rouge in 1947 is, perhaps, a borderline case. The new governing body of the parish consists of nine members, seven of whom are elected at large from the urban portion of the parish and who act independently as the city council of Baton Rouge. The remaining two members are elected by districts from the rural area and, with the other seven, comprise the parish council.

The parish government, through the departments of public works, finance, purchasing, and personnel, provides municipal services throughout the parish. Other functions are carried on independently by the city or parish in accordance with provisions of the charter. The parish is divided into three zones—urban, industrial, and rural—for tax purposes, and the tax rate is based on services rendered in each zone.

6. Creation of Ad Hoc Units. Under this plan, an independent agency is established to carry on a specific activity or activities—such as water supply, sewerage, or police protection. The jurisdiction of such a unit may be a portion of a county, an entire county, or parts of several counties, or it may include parts of two or more states. The solution is sometimes applied where the local municipalities are too small to operate such services economically, but do not wish to surrender their local autonomy in other matters. It frequently produces very satisfactory results for a par-
ticular function, but adds to the complexity of the over-all structure of government in the area and makes over-all financial control more difficult than ever.

7. Intergovernmental Cooperative Arrangements. In some counties, municipalities contract with the county government or with each other for various services. This plan is widely used in Los Angeles County. There are a number of intergovernmental contracts here in Dade County. The City of Miami supplies water to some unincorporated parts of the county and to the cities of Miami Shores, Miami Beach, Coral Gables, Hialeah, and Miami Springs. Miami Beach uses Miami’s incinerator. In 1945, Miami Shores used the county assessment roll as a basis for determining the 1945 city assessments, but reestablished its own system the following year. Miami uses county registration rolls for its election lists. The town of North Miami furnishes water and fire and police protection to the Village of Biscayne Park.

In still other counties, one or more governments work out agreements for joint operation of an institution (e.g., a hospital) or some other activity. In Hamilton County, Ohio, the City of Cincinnati, the Board of Education, and the county have a joint purchasing plan which has produced substantial economies; and in some states, municipalities have developed cooperative purchasing of certain items on a statewide basis.

PART 3

CONSOLIDATION IN DADE COUNTY PRIOR TO 1947

Governmental simplification through consolidation is not a new idea in Dade County. Two functional consolidations have taken place in the county since 1940, and a third has been authorized by the legislature but never put into full force and effect. Still another functional consolidation was approved by the legislature but voided by the courts. A plan for general city-county consolidation in Dade County was proposed in 1945, but it never came to a vote in the legislature.

Functional Consolidations

The Dade County Health Unit, which is part of the county government, was established in 1942 under an en-
ablying act of the legislature. It took over the functions and duties of all local health units in the county.

In 1945, the legislature passed a special act providing for consolidation of the county's ten school districts into one district, subject to approval of the county voters at a referendum election. This move was strenuously opposed by certain groups, particularly in Miami Beach, who felt that nothing was to be gained by consolidation. Nevertheless, the consolidation was approved by the voters, including the voters of Miami Beach, and was later upheld by the Supreme Court of Florida.

A third functional consolidation was adopted in 1945 by the legislature when it abolished the Greater Miami Port Authority and created the Dade County Port Authority to acquire and manage harbor and airport facilities within or without the county. The board of county commissioners was designated as the port authority, in addition to its regular duties. The new authority was empowered to acquire the city's docks and airport facilities by purchase or condemnation. It took over all the airport facilities but has never taken over the docks because of inability of the city and county to agree on the purchase price.

A proposed constitutional amendment providing for consolidation of all city assessing and collecting offices with the corresponding county offices and the consolidation of certain court offices was approved by joint resolution of the legislature in 1943 for Dade County and for Orange County. The joint resolution was attacked in the courts by the city of Coral Gables and declared unconstitutional by the state Supreme Court because it dealt with two separate counties. In its decision, the court indicated that the measure would have been held constitutional had only one county been involved.

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2 Ch. 14,906, General Laws of 1931.
3 Ch. 23,226, Special Acts of 1945.
4 Ch. 23,300, Special Acts of 1945.
5 Ch. 22,963, General Laws of 1945.
6 House Joint Resolution 78 of 1943.
City-County Consolidation—1945 Proposal

During recent years, there has been considerable agitation in Dade County for general city-county consolidation. In 1943, the Committee on Postwar Planning of the Miami Chamber of Commerce brought to Miami two members of the staff of Robert Moses, Chairman of the New York Parkway Authority. After reviewing the local situation, these men stated that, in their opinion, the public improvements which were needed in the Greater Miami area could not be financed under our divided and overlapping governments.

Since then, the movement for consolidation has gained further impetus from repeated demonstrations of overlapping between the county government and the government of the City of Miami. Civic leaders seeking official cooperation for development of community services and improvement of community facilities have found their efforts frustrated and brought to naught because of buck-passing and quarreling between the two governments and their respective officials over whether a given activity was an operating and financial responsibility of the city or of the county. And many a taxpayer receiving two tax bills—one for county taxes and the other for city taxes—has pondered the duplication of effort and expense which must exist in order to produce two separate bills where one piece of paper would do, and has wondered how much more of that sort of thing exists and what it is costing him.

Increasingly the citizens have become convinced that simplification of local government in Dade County through consolidation, commencing with consolidation of the city and county governments, is indispensable for efficient and economical operation of public services in the Greater Miami area and for adequate financing of needed public improvements.

In 1945, a constitutional amendment was proposed which would authorize consolidation of all existing governments in Dade County into a new municipality to be known as the City and County of Miami. Much of the language of the proposed amendment was taken from the Colorado constitution amendment which authorized the Denver consolidation of 1902.
Under the 1945 plan, consolidation in Dade County was to take effect immediately upon approval of the amendment by the voters of the state, but the charter was to be drafted subsequently by a charter convention and adopted by the voters at a still later date. In the meantime, the then county commissioners were to administer the consolidated government in accordance with "the law" in existence at the time of consolidation. The following county offices were to be preserved: clerk of the circuit court, state attorney, county judge, county assessor, sheriff, and all constitutional and statutory courts other than justice of the peace courts and the court of claims. The charter convention was directed to establish the commissioner-manager form of government, to provide for the division of the new municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts.

This proposed amendment evoked considerable opposition, particularly from officials and citizens of the suburban municipalities, which, under its terms, were to be consolidated immediately with the new City and County of Miami. The proposal was not unanimously supported by the Dade County legislative delegation, and did not come to a vote during the legislative session.

Although this outcome must have been disappointing to advocates of consolidation, it was probably a blessing in disguise, for the 1945 plan contained serious defects. In the first place, it contemplated immediate consolidation of all existing governments within a county of 2,207 square miles. It called for the junking of twenty-odd local governments in the twinkling of an eye and the simultaneous dumping of this enormous responsibility upon one central government, and an interim government at that. This would have swamped the new government before it could get organized. Additional complications would have arisen by reason of the time lag between the adoption of consolidation and the adoption of the charter, to say nothing of the additional lag which might have occurred between adoption of the charter and its effectuation.

Another serious defect in the 1945 plan was the unqualified requirement that all law enforcement authority in
the county be placed in the hands of an elective sheriff. That would have been disastrous from the standpoint of effective law enforcement. Few sheriffs come into office with the training or experience which would equip them to deal with crime conditions in a large urban community or for directing a large police force. It is significant that no city of any size allows the elective sheriff to have anything to do with its police force. In every one of the consolidated city-county governments the police force is headed by an appointive chief. Where the sheriff has been retained, he is merely a court officer and head of the county jail, and he has little or no responsibility for police administration. The prevailing attitude of experts in this field is well summed up by a report of the Detroit Bureau of Governmental Research which, in discussing the possibility of having the sheriff coordinate the separate police departments within a county, dismisses that possibility as an "idea . . . too fantastic to elaborate."

So much for the Dade County consolidation proposal of 1945. Its basic idea—namely, simplification of overlapping governments—was sound and forward looking, but the particular plan then proposed was probably unworkable, and its rejection was most fortunate. Opportunity was thereby afforded for further study of the situation and for preparation of a more practicable and realistic plan.

PART 4

THE PRESENT CITY-COUNTY CONSOLIDATION PROPOSAL

In 1947, the legislature passed three related measures regarding city-county consolidation in Dade County. These three measures were drafted under the personal direction of the Dade County legislative delegation and were strongly supported by the delegation at the 1947 session. There was practically no opposition either from citizens or from members of the legislature, and all three measures were passed unanimously by both houses. (See appendix for text of the measures.)

The first and most important of these measures is Joint Resolution No. 407 which proposes a new constitu-

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tional amendment. If this amendment is adopted, Dade County voters will be authorized to adopt a home rule charter which (a) consolidates Dade County, the City of Miami, and four small towns (North Bay Island, Virginia Gardens, West Miami, and Flagler City) in a new city-county government to be called the County of Miami, and (b) provides for subsequent optional consolidation of the other municipalities in the county.

At the same time, the legislature passed two special acts on the subject. One of these, Chapter 24,468 (Special Acts of 1947), requires a special referendum for Dade County voters on the question of whether the proposed constitutional amendment shall be submitted to the voters of the entire state or whether it shall be dropped altogether. The other, Chapter 24,467 (Special Acts of 1947), sets up a procedure for carrying out the provisions of the amendment in the event that it is adopted by the voters.

**Improved Features of the 1947 Plan**

The current proposal is a revision of the 1945 plan and contains much of the same language, but it differs from that plan in these important particulars:

1. Only six of the county's existing governments—those mentioned above—are involved in the initial consolidation.

2. Under the current proposal, the remaining suburban municipalities may consolidate with the new county later on if they desire, but no such consolidation may take place without the specific approval of the voters of such municipality. They do not have to consolidate at all unless they wish to do so.

3. The county school district is exempted from consolidation.

4. No consolidation of any sort, not even the initial one, may take place until after a specific charter has been submitted to the voters, adopted by them, and put into effect.

5. The current proposal provides a special Dade County referendum on the proposed amendment before it is submitted to the voters of the state.

6. The amendment now pending seems to open the way for dividing the county into autonomous or semi-autonomous districts and boroughs.
7. Instead of prescribing the form of government for the new county, the present proposal wisely leaves it to the charter board.

8. Although the proposed amendment continues the elective sheriff under a new name (police commissioner), it does not specify, as did the 1945 plan, that he shall be "charged with enforcement of all laws." On the contrary, it stipulates that the charter may provide "additional offices to perform . . . duties of . . . offices existing in Dade County by State law or by the charter of the county." This would seem to permit the appointment of an experienced police administrator on the basis of merit.

9. The current proposal preserves the same county offices as the 1945 plan (including the sheriff, under another name) plus the following additional offices: justice of the peace, constables, county tax collector, superintendent of public instruction, and the county board of public instruction. (Of course, the establishment of all offices should have been left to the charter.)

The current proposal, while far from perfect, is infinitely better than the 1945 plan and is free from its most objectionable features. It permits voters of the county to adopt, if they so desire, a plan of city-county consolidation and an effective charter for the consolidated government.

Steps Toward Consolidation

The proposed constitutional amendment (Joint Resolution 407) and related special acts pose a number of issues to be decided by the voters during the next twelve months. The steps in the procedure, the dates, the questions to be decided, and the issues involved are as follows:

Step 1. At the second primary election on May 25, 1948, the voters of Dade County, regardless of their municipal residence, will be called upon to decide whether they wish to have the proposed constitutional amendment (Joint. Res. 407) submitted to the voters of the entire state. The issue at the primary will be: Do we, the voters of Dade County, want the right to elect a charter board of our own citizens who will draft a home rule charter providing for city-county consolidation and who will then submit that charter to us for
our approval or rejection? In other words, do we want to take the first step toward city-county consolidation? The question will appear on the ballot in exactly these words:

"Shall there be submitted to the electors of the State of Florida at the General Election to be held on the first Tuesday after the first Monday in November, 1948 for ratification or rejection Joint Resolution No. 407 relating to the consolidation of the County of Dade and City of Miami?"

Step 2. If Dade County voters give an affirmative answer to the foregoing question, then at the joint election on November 9, 1948, the voters of the entire state—including, of course, the voters of Dade County—will be called upon to adopt or reject the constitutional amendment (Joint Res. 407). The issue then will be: Do we, the voters of Florida, have any objection to allowing Dade County voters to take further steps toward city-county consolidation if they wish to do so?

Step 3. Within ninety days after adoption of the constitutional amendment—in other words, some time before February 8, 1949—a special election must be held at which Dade County voters, regardless of their municipal residence, will be called upon to elect a charter board of fifteen electors to draft a proposed charter for the new County of Miami. The issue at this election will be: Which of these candidates do we believe will see that a satisfactory charter is drafted in accordance with the constitutional amendment?

Step 1. Immediately after its election, the charter board must draft a proposed charter which conforms with the specifications set forth in the constitutional amendment. The board is directed to complete its labors in ninety days.

Step 5. At another special election some time in 1949, Dade County voters, regardless of their municipal residence, will get called upon to adopt or reject the proposed charter and, at the same time, elect the first board of commissioners for the new county. The election of commissioners will be of no effect if the
charter is defeated. There will be two issues at this election: (1) Is this the charter we want or shall we reject it and elect another charter board in the hope that the new board will produce a better charter? (2) Which candidates for county commissioner will do the best job of exercising general control over the operations of the new city-county government in the event that the proposed charter is adopted?

If adopted, the charter takes effect and city-county consolidation becomes a reality (except for continuance of the non-consolidating municipalities) the day following certification of the election results by the secretary of state. If, on the other hand, the charter is rejected by the voters, a new charter board must be elected thirty days thereafter (Step 3) to frame another one (Step 4) for submission to the voters (Step 5). If that is also rejected by the voters, Steps 3, 4, and 5, must then be repeated over and over again in quick succession until some charter is adopted.

The Countywide Referendum

According to Joint Resolution 407 and Chapter 24,468 (Special Acts), the proposed constitutional amendment may not be submitted to the voters of the entire state unless it is first approved by the voters of Dade County at a special referendum to be held in connection with the second primary on May 25, 1948. In other words, the legislature has said that adverse action by Dade County voters on Step 1 terminates the proceedings, and no further steps can then be taken until some subsequent legislature initiates a new constitutional amendment.

Some Dade County attorneys have serious misgivings regarding the constitutionality of this procedure. They point to Article XVII of the state constitution which governs the amending process and which provides that constitutional amendments shall be approved by a majority of the voters of the entire state. Nothing is said about any countywide referendum; certainly, there is no specific authorization in the constitution for making the submission of a proposed amendment to the voters of the state contingent upon its prior approval by the voters of a single county.

It is, therefore, argued by some that the countywide
referendum scheduled for May, 1948 will have no more effect than a straw vote or Gallup poll, and that even an adverse countywide vote at that time may be overridden by a favorable statewide vote the following November. Others go so far as to say that inclusion of this unorthodox feature makes the entire proposal unconstitutional. That remains to be seen. Whatever the courts may decide as to constitutionality, the countywide referendum would appear to be a desirable procedure, for it will give the voters of the state some indication as to the acceptability or non-acceptability of the proposed amendment to the voters of the county.

What is a Charter?

A municipal charter is the basic law which defines the organization, powers, and functions of the municipality and prescribes its major administrative procedures. It is comparable to a state constitution and the constitution of the United States. The National Municipal League makes this pertinent observation:

"Through change in the charter almost any desired change can be achieved in governmental organization, powers, functions and procedures. All the effects may not be felt immediately but in the long run a charter has important effects, for better or for worse, on everything that the government does. Faulty governmental machinery is responsible for more municipal ills than most people suspect. Other things being equal, the better the charter the better the government."

Municipal charters are obtained in three ways: (1) by special act of a state legislature, with or without local referendum, (2) by general laws of a state which sometimes offer cities a choice of two or more standard charters, and (3) by action of a local charter board which drafts a charter and submits it to the voters for approval. It is the third type of charter, commonly known as a home rule charter, which is authorized for the new County of Miami by the pending constitutional amendment.

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What Does Home Rule Mean?
Under home rule, the citizens of a city or county may adopt their own charter and amend or repeal it at will, so long as they keep within their constitutional grant of powers and so long as the courts refrain from whittling down these powers by judicial interpretation. Under home rule, legislative consent is not needed for charter changes, and legislative interference is no longer possible. This grant of local autonomy in regard to the adoption and amending of local charters, coupled with a stipulation that the charter shall supersede all inconsistent special acts and population acts heretofore or hereafter enacted by the legislature, transfers the local law-making power from the state capitol to the people of the city or county concerned.

Any charter adopted for the new County of Miami under the proposed amendment must harmonize with the state constitution as amended and particularly with the specific requirements and restrictions contained in the proposed amendment. Furthermore, it must be drafted and adopted in the manner prescribed by Chapter 24,467 (Special Acts of 1947) which act is confirmed by the amendment.

Choosing the Charter Board
The special act (Ch. 24,467) provides that the charter board shall consist of fifteen electors elected at large by all of the voters of the county, regardless of their municipal residence. Any voter may be a candidate for the charter board. While the members of the charter board are to be elected at large, there must be at least two members from each of the present county commissioner districts. The other five members “shall reside in the county at large.” The county commissioners are required to call a special election for selecting members of the charter board and must, in the same resolution, specify the compensation to be paid to officers and members of the board.

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10 Special charters, on the other hand, may be arbitrarily amended or repealed by legislatures without consulting or even notifying the officials and citizens of the municipality.

11 Home rule cities and counties must still conform to general laws heretofore or hereafter passed by the legislature unless such laws are clearly superseded by the home rule amendment.

12 Sec. (c).
The board may employ a staff to assist in drafting the charter. All expenses of the board, as well as all expenses of charter and charter board elections, are to be divided between the City of Miami and the County of Dade, and will be payable from their general funds.

Specifications for the Charter

The proposed constitutional amendment sets up a number of specifications for the charter; i.e., things which it may and may not contain. In the first place, the amendment specifies the governments which are to be included in the initial consolidation, the governments which are to be subsequently admitted thereto upon request of their voters, and the governments which are not to be consolidated at all. These features are discussed in Part 5 of this article (Effects and End Results).

In addition, the amendment sets forth the nature of the County of Miami as a “political subdivision . . . extending territorially through the present limits of Dade County.” The new county will be both a county and a municipality, like the City and County of San Francisco and the City and County of Denver; in fact, the 1945 proposal used the phrase, “City and County of Miami.” It will have all the powers, duties, obligations, rights, and privileges, including state aid and representation in the legislature, which would accrue to it if it were a county or municipal corporation.13

The charter will establish the form of government and the internal organization of the new county.14 It will also provide for the election or appointment of all officers and employees of the county, their qualifications, terms of office, and compensation.15 The charter may establish the commission-manager plan, which is the basic form of government in the City of Miami at the present time; the commission plan, under which the county operates; the “strong mayor plan”; or some other form of government. That will be one of the most important decisions which the charter board will have to make; it may also be a major

13 Sec. (b).
14 Sec. (e) 1.
15 Sec. (e) 6.
factor entering into the voters' decision when the charter is submitted to them for approval or rejection.

There are, however, some extremely important aspects of organization which are ordinarily decided by a charter board but which, in this case, have been predetermined and written into the proposed constitutional amendment. For example, the amendment stipulates that the following courts and offices must be preserved with their jurisdictions and duties unimpaired: Circuit Court, Civil Court of Record, Criminal Court of Record, Court of Crimes, County Judge, Juvenile and Domestic Relations Court, Assessor, Tax Collector, Superintendent of Public Instruction, County Board of Public Instruction, and the County School District.

The charter may assign additional duties to these offices, but may not abolish or combine any of them. However, it may provide additional offices to perform any duties of existing offices. The latter provision, if used with discretion, may enable the charter board to circumvent the requirements and restrictions of section (g) relative to preserved offices. Sometimes, charters fulfill constitutional provisions requiring the retention of a given office but carefully refrain from providing adequate staff and other facilities for doing an effective job. At the same time, the charter drafters set up a competing office which does the business. The constitutional officer is then given a nominal compensation and left to "wither on the vine."

The amendment further requires the Clerk of the Circuit Court to perform the duties of the Clerk of the Civil Court of Record, Clerk of the Criminal Court of Record, and Clerk of the Court of Crimes which offices are abolished by the amendment, and to be treasurer and clerk of all boards and bodies in the new county. It also requires the State Attorney to be the prosecuting attorney of the Criminal Court of Record and the Court of Crimes and to perform the duties of County Solicitor which office is abolished.

The constitutional amendment also specifies that the new county shall have a board of commissioners. The number of commissioners is to be determined by the

16 Sec. (e) 8.
charter. One must be elected from each district as prescribed by the charter. This provision is not as restrictive as it sounds. The charter board may decide to provide for (a) election of one commissioner by the voters of each district, or (b) election at large with every voter in the county voting for one commissioner from each district. Some attorneys believe that the wording of the amendment permits the election of more than one person from each district or even the election of one from each district with others elected at large.

The charter will determine the method, manner, and means by which the non-consolidating municipalities may subsequently consolidate with the county, and the non-consolidating municipalities are protected by a provision of the constitutional amendment which stipulates that no such municipality shall be consolidated without the consent of its own voters.

In addition to the foregoing, the charter will contain, among other things, provisions for: enactment and enforcement of ordinances; division of the territory into districts, zones, and boroughs; issuance of franchises and regulation of public utilities and carriers; and the incurring of indebtedness. The amendment provides that indebtedness existing at the time of consolidation shall be enforceable only against property theretofore taxable therefor.

Drafting the Charter

Upon organizing, the fifteen members of the board will need to size up the job to be done and agree upon a plan of attack. Their work will be greatly facilitated if they will review the procedures which have been used by similar bodies in other cities and which are available in published form. The Model City Charter, together with charters of other cities and counties will be helpful, but will only have limited applicability to the local situation; in no case should they be copied blindly.

17 Sec. (1).
18 Sec. (e) 2.
The board will need to set up a small staff and obtain the services of one or more expert consultants on charter drafting and governmental organization. Otherwise, the board will be in danger of writing law without sensing its practical implications and consequences.

In addition, the board will need surveys of (1) the organization, powers, functions, and tax structure of each of the 26 local governments now operating in Dade County, (2) intergovernmental relationships, and (3) governmental services and needs in the now unincorporated areas. Such a survey will yield the factual data which the board must have in order to determine what boroughs and districts, if any, are needed, in addition to the city-county government and the non-consolidating municipalities, to provide efficient and economical government for the citizens of the county.

Very early in the process—while the foregoing information is being assembled—the board should hold hearings throughout the entire county, including the non-consolidating municipalities, in order to receive suggestions from officials and citizens regarding the basic issues to be determined in the charter, such as the form of government, departmental organization and distribution of functions, the system of taxation including tax differentials for various parts of the county, financial and personnel administration, and many other matters. As Dr. Thomas A. Reed points out:

"These hearings should, as far as possible, sound the public opinion. In tailoring a charter to fit a particular city it will not do to decide what the people ought to have without considering what they want."

There will be many uncertainties and misunderstandings among the members of the charter board and many differences of opinion which can only be resolved by pains-

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20 The facilities of the Dade County Research Foundation are freely available to the charter board and all other public bodies of the county without charge or obligation. However, the charter board will need additional assistance from some expert on municipal charter drafting who has had specific experience in situations involving city-county consolidation.

21 Revising a City Charter, by Thomas H. Reed, published by the Governmental Research Association.
taking consideration of the facts and weighing of the alternatives. All this will take time and patience.

Once the board has reached tentative conclusions as to the charter it intends to recommend, the board members should hold another set of hearings throughout the county for the purpose of explaining the draft and considering objections and criticisms of both citizens and officials. These comments should be carefully weighed by the board before reaching a final decision.

The Ninety-Day Limitation

The charter board is required to draw the completed charter within ninety days after its election. It is highly questionable whether a satisfactory charter can be prepared in this length of time. It sometimes takes six months to draft a good charter for a single city or county where no consolidation is involved. That is particularly true of a home rule charter which involves extensive consultation with local officials and citizens and the reconciliation of conflicting views among members of the charter board. It is an altogether different proposition from a special act charter which can be drafted by a small group and rushed through the legislature in a few days or weeks without much consultation with the folks back home, and sometimes without their knowledge.

The particular type of consolidation called for by the pending amendment has never been adopted in any community in the United States. Therefore, the situation calls for thorough analysis by technical experts of the greatest competence and careful study by the members of the charter board.

However, if the proposed charter is not adequate, the people may reject it at the polls. This rejected charter and the issues involved may then be used by a new charter board as a basis for drawing a satisfactory document. If the charter, as finally adopted, proves unsatisfactory in part, it may be amended by the people at later elections. Thus, despite the questionable ninety-day limitation, it will ultimately be possible for the people to provide themselves with an adequate charter.

Immediately upon its organization, the charter board
should explore the legal possibilities of extending this time limitation. Since the special act carries no penalty and sets no definite date for voting upon the charter, it may well be that the time limit can be disregarded without affecting the legality of the charter.

Voting Upon the Charter

When the charter is complete, it must be published in the newspapers and a special election must be called for voting on the charter and for choosing the first board of county commissioners under the new government. If the charter is adopted, it takes effect at noon of the day following certification of the election results by the secretary of state.

If, on the other hand, the charter is rejected by the voters, a new charter board must be elected thirty days thereafter to draft a new charter for submission to the voters. If that charter is also rejected the process starts all over again and this process goes on and on until some charter is adopted.

This provision was copied from the Colorado constitutional amendment of 1902 which authorized the Denver consolidation. The first charter for the City and County of Denver was rejected in 1903, due to vigorous opposition by the political parties and public utility interests; there were also charges of election frauds. A second charter was then drafted which omitted or watered down certain features of the defeated charter, such as civil service, recall of office holders, and regulation of public utilities. It was adopted shortly thereafter without appreciable opposition.\(^{2}\)

So far as can be determined, the constitutional provision requiring a recurring cycle of charter drafting until one is adopted caused no great annoyance in Denver at that time. However, it has bobbed up again after almost half a century, because Denver is now attempting to adopt a new charter for its city-county government. A proposed charter was drafted but defeated by the voters on November 13, 1947. The constitution of 1902 is still in effect and applies not only to the original charter, but to any subse-

\(^{2}\) \textit{Metropolitan Government}, by Victor Jones, p. 293.
quent charters. Consequently, Denver citizens are now
threatened with a new round of charter drafting and
charter campaigning. Each charter convention costs $125,-
000. One proposal under consideration is that the City
and County of Denver go into court and seek a declaratory
judgment which, in effect, would remove the necessity for
holding another charter convention.21

We strongly urge that a similar attempt be made to
obtain a declaratory judgment from the Supreme Court of
Florida which will invalidate the corresponding provision
of the Dade County enabling act.

PART 5
EFFECTS AND END RESULTS

What will be the practical effect, the end result of city-
county consolidation? What will it accomplish? What
changes will it bring about? How will it affect the ordi-
nary citizens? The taxpayers? The public employees?
These are very pertinent and very practical questions. Yet
most of them can only be answered in general terms at
this time. The details will be worked out in the charter
which will be submitted to the voters. As we have previ-
ously pointed out (Part 4), the charter board will need
to conduct a comprehensive survey of the entire problem
of regional government in the Greater Miami area in
order to prepare a satisfactory "blueprint" or charter for
the consolidated government. With that in mind, let us
examine the effect—so far as that can be determined at
this time—of the proposed consolidation (1) upon existing
governments of the county, (2) upon citizens and taxpay-
ers, and (3) upon employees of existing governments.

Effect Upon Existing Governments

At the present time there are twenty-six local govern-
ments in Dade County:22

1. The county government including the county port
authority and the county health unit.

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21 "Denver Voters Reject Proposed Charter," by T. R. Westmeyer,
University of Denver, published in National Municipal Review, Decem-
ber, 1947.
22 This is the total as of March 10, 1948. Perrine has since been incor-
porated. At least two other incorporations are under consideration at
the present time.
2. The county school district.
3. Twenty-four cities and towns, as follows:
   Bal Harbour Village, Bay Harbor Islands, Biscayne Park, Coral Gables, El Portal, Flagler City, Florida City, Golden Beach, Hialeah, Homestead, Indian Creek Village, Miami, Miami Beach, Miami Shores, Miami Springs, North Miami, North Miami Beach, North Bay Island, Opa Locka, South Miami, Surfside, Sweetwater, Virginia Gardens, and West Miami.

One of these governments—the county school district—is exempted altogether from consolidation by the terms of the proposed amendment. It cannot come into the consolidation at any time, even if it wishes to do so.

Six of the existing governments—the County of Dade (including its port authority and health unit), the City of Miami, and the towns of Flagler City, North Bay Island, Virginia Gardens, and West Miami will be abolished when the charter takes effect following its adoption by the voters. These six governments will be replaced by the new County of Miami together with such districts and boroughs as may be created in the charter.

The other nineteen municipalities will retain their independence. The charter board has no option; the proposed constitutional amendment requires it to leave these governments alone, but to provide machinery by which they may consolidate with the county later on, if their voters sanction such a change. Here is the exact wording of this important and widely misunderstood part of the amendment:

Section (e). The charter among other things, shall provide:

1. The jurisdiction, powers, duties and functions of such County, its legislative, executive and administrative departments, boards, bodies and officers.
2. The method, manner and means by which other municipalities in said County may consolidate with...
the County of Miami and for division of the territory into districts, zones or boroughs, provided, however, that no municipality except the City of Miami shall be consolidated with said County, until after the question of such consolidation has been approved by a majority of the qualified voters of such municipality voting on said question.

Some suburban officials fear that another part of the amendment—section (b)—inadvertently requires the immediate transfer of all property of the non-consolidating municipalities to the new county. This paragraph reads as follows:

(b) The County of Miami shall be a legal municipality and county of this State, with the powers, duties and obligations of a county and a municipal corporation, and shall be entitled to all the powers, rights and privileges and aid from the State, including representation in the State Legislature, which would accrue to it if it were a county or municipal corporation. All property of Dade County, the City of Miami and other municipalities which may hereafter consolidate with said County of Miami as hereinafter provided, and of all other political subdivisions in said County, except Public School property and except property of the State of Florida, shall vest in said County.

The foregoing provision is a little confusing, yet it seems clear that no such transfer of property may take place until the municipalities elect to consolidate with the county. The reference to subsequent portions of the act ("as hereinafter provided") links this section with section (e) cited above, and the two would almost certainly be considered together by any court which is called upon to construe section (b).

Another provision which calls for clarification is the requirement in section (g) that the "clerk of the circuit court shall perform the duties of treasurer and clerk . . . of all boards and bodies now or hereafter created and functioning in the County of Miami." This might possibly require the clerk of the circuit court to take over the duties of the treasurers and clerks of the non-consolidating mu-
municipalities. Such an arrangement might not be satisfactory. However, the situation can probably be clarified by the charter board through its authority to provide in the charter for “the creation, election or appointment of additional offices to perform any of the duties existing in Dade County by state law or by the charter of the county.” The clerks and treasurers of the non-consolidating municipalities could be designated as “additional offices” to relieve the clerk of the circuit court of the above-mentioned municipal duties which he does not want anyway.

The effect of the provisions outlined above would be to reduce the number of governments in the county from 26 to 21; the units then remaining would be:

1. county government (the County of Miami)
2. county school district
3. 19 non-consolidating municipalities

On the other hand, the amendment authorizes the charter board to create additional units of government. In this respect, the amendment is more flexible than most people realize. Section (e) 2, cited above, states that the charter shall provide “for division of the territory into districts, zones or boroughs.”

There are many kinds of districts; for example, election districts, special assessment districts, and taxing districts. Then, too, there are ad hoc operating districts such as water districts, police districts, fire districts, school districts, and metropolitan districts. Many ad hoc districts are more or less autonomous units of government which operate public services and levy taxes; that is true of our consolidated school district here in Dade County.

There are at least three kinds of boroughs. They are:

2. A subdivision of a large city, such as the boroughs of New York City, which retain certain administrative functions.
3. An election district, such as the six boroughs (Uleta, Miaca, Fulford, Fulford-by-the-Sea, Ocean,
and Sunny Isles) into which the City of North Miami Beach is divided. This, however, is an abnormal use of the term.

Now it is not altogether clear which types of districts and boroughs are authorized by the amendment; in the absence of any qualification, it would seem that the charter board may establish any units of government for which a need exists and may give them partial or complete autonomy in matters of local concern. The functions of these units will also be determined by the charter.

What is the “territory” which is to be divided into such units? It would seem to apply to the units about which the subsection is written; namely, the non-consolidating municipalities, although there would, of course, be no need of boroughs in these municipalities until such time as they elect to consolidate with the county.

Now does the borough provision apply immediately to the rest of the county as well? If so, the charter board is authorized to create a Borough of Miami to take over some of the existing powers and functions of the City of Miami. In other words, the board might conclude, after careful study of the problem, that some of the existing functions of the city can be carried on more efficiently and economically if they are transferred to the new city-county government, but that there are other functions which, for one reason or another, it is not desirable to consolidate at this time. As pointed out in Part 4, the board will need a thorough survey of the situation, before it makes this determination. Certainly, no one can forecast what that determination will or should be. The important thing is that the amendment does not require complete and immediate consolidation of all city and county functions, and it may be that a gradual, rather than instantaneous, transfer of existing city functions to the new city-county government will prove to be a sensible and practical approach to the problem.

Effect Upon Citizens and Taxpayers

Dade County citizens are quite naturally wondering how the consolidation will affect the services of government and the costs of government. These also are questions
which can only be answered in general terms at this time. The number of governments, their functions, and their tax structures will be determined in the charter, and we cannot evaluate the dollar effect of the particular plan until it is prepared.

Under consolidation, present voters and taxpayers of Miami will no longer pay city taxes or vote for city officials, but they may pay borough taxes and vote for borough officials, if a Borough of Miami is established. In any event, they will pay county taxes and vote for county officials as they do now. This applies also to voters and taxpayers of the towns which are included in the initial consolidation.

Voters and taxpayers of the non-consolidating municipalities will continue to pay municipal and county taxes and vote for municipal and county officials as at present, but their county officials will then have many—perhaps all—of the powers and functions of Miami’s present city officials. In other words, they will have a voice in the government of what is now the City of Miami, except for functions assigned to a Borough of Miami if such a government is established by the charter. If the non-consolidating municipalities subsequently elect to consolidate with the county, their citizens will still pay county taxes and vote for county officials, but they may then pay borough taxes and vote for borough officials, provided a borough is established in their particular community, either by charter provision or under a procedure outlined in the charter.

Voters and taxpayers in the unincorporated areas will continue to pay county taxes and vote for county officials, but their county officials will have certain powers and responsibilities for governing what is now the City of Miami. Boroughs may also be created in these areas either by the county charter or in accordance with its provisions.

Consolidation will result in a saving to the taxpayer, due to the elimination of duplicating and overlapping functions. However, no one can predict with any degree of accuracy the extent of this saving or the cost of operating the consolidated government or the effect of consolidation upon existing tax burdens. So much depends upon the kind
of charter which is drafted and the way in which it is administered. If, however, the charter is properly worked out and if it proves to be suitable for the particular situation existing here in Dade County, it will permit (but not assure) much more economical operation over a period of years than continued expansion of separate governments without coordination of any sort. Unquestionably, there will be some immediate saving, but probably not as much as has been estimated. The greatest saving at the outset will be realized where the greatest duplication exists at present; for example, in such operations as assessing and tax collection. In other operations, the saving will be much less; and in some there may be no immediate saving at all, but rather an increase in unit and total costs. But the possibility of integrated administrative planning and orderly development of the Greater Miami area for the future would be a most compelling argument, even if consolidation did not save a dollar during the first year or two.

Generally, a big government is more expensive to operate than a medium-sized one. Besides, outlying residents of a consolidated government will press for services and public improvements more nearly comparable to those enjoyed by their fellow citizens downtown. Extension of services and improvements to sparsely settled areas is almost always a costly procedure.

While no one can forecast the exact effect of consolidation upon future public improvements, other consolidations have had a very profound and favorable effect. Philadelphia built a unified sewer system for the entire consolidated area and undertook at once a program of radial highway construction, including Fairmont Parkway—one of the largest street improvements in American municipal history. Projects of such magnitude could not possibly have been undertaken by the 28 small units which had dissipated their energies in fighting each other instead of serving the public. New York City's consolidation was immediately followed by construction of the first subway. That was too big a job for the separate governments, prior to consolidation, and private capital would
not undertake the job. However, the consolidated city forged ahead and completed the project.

**Effect Upon Public Employees**

Officials and employees of the various governments involved in the county will naturally wonder how consolidation will affect their security. Section (e) 5 of the proposed constitutional amendment stipulates that the charter of the new county shall provide:

5. For all officers and employees, whether active or retired, of the County or any consolidated municipality or political subdivision in the said County, to be secure in their seniority rights under Civil Service and to retain all existing pension rights, and for the placing of such officers and employees under Civil Service regulations as may be provided therein.

The civil service regulations of the City of Miami provide that seniority must be taken into account, along with other factors, in promotional examinations, in layoffs, and in reinstatements. County employees have no civil service and no **vested** seniority rights. The practical effect of Section (e) 5 is questionable. Existing seniority rights must be preserved; that much is clear. On the other hand, there is nothing in the amendment which prohibits the charter board from according similar recognition to employees of other governments who have been in the public service for several years, but who, through no fault of their own, have no formal seniority system and no civil service system. Adoption of a policy of fair and impartial treatment to all employees of all governments without discrimination, is obviously the logical course for the charter board to pursue, and it would seem to fulfill the requirements of Section (e) 5.

In the second place, the charter must "**retain all existing pension rights.**" This clearly requires the charter board to retain the present retirement system of the City of Miami, or any other consolidating municipality, or else to establish another system with equivalent benefits. County employees have a statewide retirement system, but its benefits are not so attractive as those provided by the Miami city system. It has been argued that city employees could be transferred to the county system in which the em-
ployer's contribution is paid by the state and that the county would then pay an additional amount so as to finance the benefits now provided by the city system. City employees would pay the same contribution as at present. That might be possible, but there are a number of legal and practical angles which will have to be studied carefully by the charter board. The charter board might wish to provide in the charter that present Dade County employees may come into the same system as Miami city employees upon paying additional contributions to finance these benefits.

PART 6
ARGUMENTS FOR AND AGAINST CONSOLIDATION

Now that we understand the current proposal for city-county consolidation and its probable effect, so far as that can be determined at this time, let us examine critically the arguments which are being advanced by advocates and by opponents of consolidation. First, we are going to analyze the principal arguments which have been put forward by advocates of consolidation. Then, we will scrutinize the principal arguments against consolidation as expressed by the opposition. The comments on the respective contentions are our own.

The fact that arguments are listed here as "pro" or "con" does not mean that all of the campaigners on that side hold these views; there is disagreement and dissent—even outright contradiction—on both sides. It is noteworthy, possibly significant, that some of the leaders on both sides, who have been so kind as to review and criticize this part of the report prior to publication, protest that we have been too hard on them; too easy on the other side!

Arguments For Consolidation

Pro-Consolidation Argument No. 1. Adoption of the proposed constitutional amendment will give Dade County home rule. That is true. Under its provisions, the charter of the new county may be adopted, amended, or repealed at will, not by the legislature at Tallahassee, but by the voters of the county. Existing special acts or population acts passed by the legislature and applying to Dade Coun-
ty can be repealed or superseded by the charter. That's what home rule means.

Pro-Consolidation Argument No. 2. The consolidation amendment prohibits abolition of non-consolidating municipalities by the legislature. This may be true. However, the amendment contains no specific prohibition against such action. At present, all municipalities in the county are creatures of the legislature.

Pro-Consolidation Argument No. 3. The proposed amendment gives the voters of both the non-consolidating municipalities and the unincorporated areas a voice in the government of what is now the City of Miami. That is true, except for such powers and functions as may be reserved to the Borough of Miami in the charter—if such a borough is created and given a measure of autonomy.

Pro-Consolidation Argument No. 4. Consolidation will give the people of Dade County a more, efficient over-all governmental organization. There is every reason to believe that this is true, but we will not know until the charter is prepared and submitted to the voters. We do know that existing duplication, buck-passing, and waste due to overlapping cannot be eliminated without some form of consolidation. We also know that, under consolidation, responsibility for furnishing countywide services and solving countywide problems can be fixed on one governing body elected by the voters of the entire county; there's no other way in which that can be brought about.

Pro-Consolidation Argument No. 5. Consolidation will provide a better community through central planning and central authority. That is unquestionably true. Consolidation will facilitate the preparation and execution of plans for radial highways, hospitals, transportation, harbor development, and other public improvements to meet the needs of all of the people of the county. At present, responsible for preparation and execution of such plans is divided between Dade County and the City of Miami. The officials of the separate governments sometimes prove to be more interested in perpetuating their small jurisdictions and in fighting each other than in working out and carrying out plans to serve the people who support
both governments. The Dade County Medical Association
has endorsed consolidation in the belief that it will greatly
improve the hospital situation.

Pro-Consolidation Argument No. 6. Consolidation will
eliminate Miami's need for a new city hall. That may or
may not be true. We are not yet convinced that Miami
needs a new city hall now. It will be time to talk about
that when the city has made more efficient utilization of
the present space; that will require a careful survey. Re-
duction of duplicating agencies through consolidation will
certainly reduce the need for additional office space, and
will thereby postpone whatever need may exist for a new
city hall.

Pro-Consolidation Argument No. 7. The new County of
Miami would receive a larger portion of state road funds,
thus decreasing the local tax burden for road maintenance.
Not true. Allocation of state road funds to counties is
based on traffic volume, population, previous road debt,
and other factors which would not be affected one way or
the other by consolidation.

Pro-Consolidation Argument No. 8. If we had home
rule, the hotel tax would have been legal. That is not true.
The constitutional amendment provides that the new coun-
ty shall have the general taxing power of a county and a
municipality and in addition, the power to levy additional
excise and ad valorem taxes in non-rural areas "on the
same basis and to the same extent as if a separate munici-
pality and county existed therein." Miami's hotel tax was
held unconstitutional under existing law. It is difficult
to see how consolidation would affect the constitutionality
of the hotel tax or the constitutionality of any tax now in
effect.

Pro-Consolidation Argument No. 9. Consolidation will
simplify elections and will give the voters greater control
over their government. That is true. There will be greater
centralization of responsibility and fewer officials. The
citizens can exercise greater control over a simplified
government because its operations are easier to watch and
easier to understand.

Pro-Consolidation Argument No. 10. Consolidation has
already proved its worth in Dade County. True. It is gen-
erally conceded that the people of Dade County have prof-
ited by recent functional consolidations of health and
school districts, and that the single registration system
used by Miami and Dade County is more convenient and
more economical than the duplicate systems formerly in
effect.

Pro-Consolidation Argument No. 11. Consolidation will
insure responsible law enforcement. That is not quite true.
The proposed plan permits responsible law enforcement,
but does not insure it. The charter board has, and should
have, the power to set up the organization and basic pro-
cedure for law enforcement and other functions of govern-
ment. The charter board is free, and should be free, to
make a choice between responsible and irresponsible law
enforcement organization. This much is true: under the
proposed amendment the state’s attorney and police com-
missioner (sheriff) are subject to impeachment by the
county commissioners and trial by the circuit court. At
present, they can be removed by the governor and state
senate. Consequently, under consolidation, a bad governor
can no longer bring pressure (by threat of removal) upon
a good police commissioner or state’s attorney to “lay off”
law enforcement.

Pro-Consolidation Argument No. 12. Under consolida-
tion, the state can be required to make contributions to
the cost of a retirement system for present city employees,
thereby relieving present city taxpayers of some or all of
this burden. That may be true. However, see the discus-
sion of this point in Part 5.

Pro-Consolidation Argument No. 13. The proposed
amendment provides that rural areas cannot be taxed for
municipal facilities such as street lighting, sidewalks, etc.,
unless these services are actually afforded to them. Several
state supreme court cases on taxation and municipal serv-
ces indicate that this is true. While the amendment con-
tains no specific provision to this effect, the courts have
held that it is a violation of the organic rights of property
owners to levy taxes against their property without fur-
nishing corresponding governmental benefits.

Pro-Consolidation Argument No. 14. Consolidation will
eliminate conflicting and duplicating offices. That is true.
Of course, the degree to which it is true depends on the charter.

**Pro-Consolidation Argument No. 15.** Consolidation will impose no additional taxes. That is probably true, so far as general property taxes are concerned, and it may be also true of other taxes, although there is some doubt on this point. Of course, we do not know as yet what sort of tax structure will be provided for the new county. That will have to be worked out in the charter.

**Pro-Consolidation Argument No. 16.** Consolidation will save money for the taxpayers. That is unquestionably true. All things being equal, consolidation will be much more economical over a period of years than continued expansion of separate uncoordinated governments. Of course, no one knows how much these savings will be; that depends upon the plan finally adopted. (See the discussion of possible savings in Part 5.)

**Pro-Consolidation Argument No. 17.** Consolidation has been recommended by research groups on national and local governments. That is true, so far as the general idea of consolidation is concerned. It is also true that the type of consolidation ("the federal plan") which is proposed for Dade County is highly regarded by at least some of these experts. However, none of them has reviewed the constitutional amendment or passed upon the suitability of the pending proposal for the specific conditions existing here.

**Arguments Against Consolidation**

**Anti-Consolidation Argument No. 1.** The consolidation plan is vague; many of its details will not be known until the charter is prepared. That is very true; but what of it? No one needs to know these details now. We are not voting on a charter, but on the question as to whether a home rule charter shall be drafted and submitted to us for approval or rejection. The voters will have ample opportunity to scrutinize the charter and debate its provisions before voting on the question of its acceptance or rejection.

**Anti-Consolidation Argument No. 2.** Under consolidation, our local government would be subject to the will of the people of the state. That is true now; in fact, it is true
practically everywhere in the United States—except in the voteless District of Columbia. But it will certainly be less true under consolidation because the proposed amendment gives the new County of Miami a constitutional grant of home rule powers, which is not now granted to this or any other county of Florida. At present, charters can be granted, amended, or repealed by the legislature. The proposed amendment provides that the voters of the new county shall always have exclusive power to alter, revise, amend, or repeal their charter.

**Anti-Consolidation Argument No. 3.** Once we adopt the amendment, we shall never be through with the consolidation issue. That is not necessarily true. The voters are not obliged to adopt any charter; they can reject all of them, if they so desire. It is true that the proposed plan requires a constant round of charter drafting and charter campaigning until some charter is adopted. This might be rather wearing, to say the least. However, the rejection of one charter generally leads to the drafting of another one which eliminates the objectionable provisions of the first one. It should be possible to adopt a satisfactory charter without too many attempts.

**Anti-Consolidation Argument No. 4.** Under consolidation, sidewalks, streets, and parkways in Coral Gables and other non-consolidating municipalities will be allowed to deteriorate. Suburban fire departments and police departments will be turned over to Miami. That is not true. As pointed out in Parts 4 and 5 of this report, non-consolidated municipalities will retain their municipal organization and facilities until such time as their voters vote to consolidate with the county.

**Anti-Consolidation Argument No. 5.** If the proposed amendment is adopted, the non-consolidating municipalities will lose control of zoning, liquor licensing, and law enforcement, etc. That is not true. The charters of the non-consolidating municipalities (also other basic acts applying to these municipalities), under which such powers are exercised, will remain in effect until such time as the voters of those municipalities vote to consolidate with the county.

**Anti-Consolidation Argument No. 6.** Consolidation as
proposed will represent a tax increase of forty percent or better within the non-consolidating municipalities with no corresponding benefits. Nonsense. The estimates of possible tax savings cited by advocates of consolidation may be somewhat exaggerated. But to say that consolidation, per se, will result in no saving at all, but a tax increase instead, is preposterous. The forty percent figure is based on the assumption that most or all of the cost of governing what is now the City of Miami will be charged against all taxpayers of the county, including the taxpayers of the non-consolidating municipalities. That would be contrary to law. There is a long line of supreme court decisions on this very point.

Anti-Consolidation Argument No. 7. The proposed amendment provides that property of non-consolidating municipalities shall vest in the new county. It is true that the wording of section (b) is ambiguous and might be so construed. However, any such construction would be contrary to subsequent provisions, and contrary to the obvious intent of the amendment taken as a whole. We believe that the courts would so rule; this is conceded by some of the opponents of consolidation.

Anti-Consolidation Argument No. 8. Under consolidation, all form and semblance of county government is taken away from the non-consolidating municipalities. Their citizens are not guaranteed a voice in their county government. It is a plain case of taxation without representation. That is not true. All voters of Dade County, including voters of the non-consolidating municipalities, will be voters of the new County of Miami. They may vote for county officials, including members of the charter board, and may hold county offices just as they do now. They may be members of the charter board, and may vote on the question of adopting or rejecting the charter.

Anti-Consolidation Argument No. 9. Under consolidation, the non-consolidating municipalities and unincorporated territory will be called upon to help pay off Miami's bonded debt. That's not true. The proposed constitutional amendment specifies that existing indebtedness shall be enforceable only against property which is now taxable
therefor. The language of the amendment is very clear on this point.

Anti-Consolidation Argument No. 10. The proposed amendment abolishes the offices of state legislators from the county, and there is no assurance that the people of the non-consolidating areas will have any voice in their selection when these offices are re-established by the charter. That is not true. The proposed amendment abolishes only county and municipal offices. State legislators are state officials, although locally chosen. Voters of the non-consolidating municipalities will continue to vote for state representatives as at present.

Anti-Consolidation Argument No. 11. Consolidation abolishes the right of trial by jury. That is not true. The amendment contains the customary provision that any person charged with violation of ordinances shall not be entitled to trial by jury. Nowhere in Florida at the present time—or in any other state, so far as we know—can a citizen have a trial by jury for traffic violations or other ordinance infractions. Jury trials are only for serious offenses, which are punishable under state law.

Anti-Consolidation Argument No. 12. Voting for the fifteen men who will draw up the charter and the commissioners who will operate it at the same election means that the taxpayers won't know what he is getting. Not true. The proposed amendment contains no such provision. Members of the charter board and county commissioners will be elected at separate elections—at least 90 days apart.

Anti-Consolidation Argument No. 13. The consolidation measure contains some features which are highly desirable—such as the consolidation of assessing and tax collecting, and hospital service—but these could be done by functional consolidations, one at a time. That is true. Such consolidations are very common throughout the country. We have some here in Dade County. Efforts to consolidate docks and hospitals have failed.

Anti-Consolidation Argument No. 14. A good charter cannot be drafted in 90 days. That is probably true. However, as pointed out in Part 2 of this report, there is reason to believe that the 90-day limit can be stretched. The charter board should take all the time it needs for
drafting a good charter and for consulting the wishes of
the citizens as to what it shall contain.

Anti-Consolidation Argument No. 15. If the pending
constitutional amendment is adopted, and then proves un-
satisfactory, another amendment will be required to amend
or repeal it. That is true; but what of it? If the voters can
adopt this amendment, they can adopt another one whenever
they desire to do so. However, it should seldom be
necessary to resort to such action in view of the home rule
powers granted by this amendment.

Anti-Consolidation Argument No. 16. The consolidation
amendment and accompanying special acts are poorly
drawn and contain vital discrepancies. There is a measure
of truth in this statement. Some features of the proposal
were not thought through as carefully as they should have
been. However, that is true of much if not most legisla-
tion, and it is woefully true of the present charter of the
City of Miami and the present laws which govern the
operation of Dade County. It also is true that the amend-
ment contains a few discrepancies. In our opinion, these
discrepancies are not vital. However, the Supreme Court
will have to pass on that point. This or any other measure
should be judged, not by minor details or petty imperfec-
tions, but as a whole and on its merits.

Anti-Consolidation Argument No. 17. The proposed
constitutional amendment and related special acts are un-
constitutional. That's for the supreme court to say when
the matter is brought before it, as it probably will be in
the near future.

Anti-Consolidation Argument No. 18. Under consolida-
tion, the cost of municipal services within the present
boundaries of Miami will be spread over the non-consoli-
dating municipalities, thereby forcing them to consolidate
whether they want to or not. Not true. The non-consoli-
dating cities may enter the consolidation only by a vote of
their people. The people cannot be forced to vote for con-
solidation by this means because the courts have held time
and again that property cannot be taxed for services it
does not receive. Therefore, the people in one area cannot
be taxed to pay for services rendered in another.

Anti-Consolidation Argument No. 19. Under this current
proposal, the people are not given a chance to vote on a completed plan. That is not true. The voters definitely will have a chance to vote on the charter. It will not take effect unless they approve it.

Anti-Consolidation Argument No. 20. The amendment requires the retention of all civil service positions existing at the time the charter is adopted. Not true. The amendment only stipulates that officers and employees of the county and of the consolidating municipalities shall be secure in their seniority rights under civil service, which is quite a different thing. Seniority does not prevent the abolition of useless positions under existing civil service regulations.

Anti-Consolidation Argument No. 21. Consolidation will abolish local governments which have established credit ratings. The consolidated unit will have difficulty in selling bonds because it has no prior rating. Not true. A credit rating will be established for the new county based on its economic resources, taxing power, and other factors. City-county governments elsewhere have found consolidation a help, rather than a hindrance, to their credit.

Anti-Consolidation Argument No. 22. The charter of the County of Miami, being the “organic law,” will supersede the state constitution and all other laws in what is now Dade County. In effect, it calls for secession of Dade County from the State of Florida. Not true. The amendment specifically provides for establishment of “a political subdivision to be known as the County of Miami, Florida.” It refers repeatedly to existing constitutional provisions and statutes.

Anti-Consolidation Argument No. 23. An elective charter board will not be qualified to draw a municipal charter. Not true. Such boards have drafted good charters—and constitutions—all over the United States. They are not supposed to be experts; that’s not necessary. They can obtain expert consultants as needed. Their job is to make certain that the charter as drafted meets the needs and reflects the wishes of all the people of the county. To say that they cannot do this implies that we cannot govern ourselves.
APPENDIX

HOUSE JOINT RESOLUTION NO. 407
PROPOSING AN AMENDMENT TO ARTICLE VIII
to the
CONSTITUTION OF THE STATE OF FLORIDA
RELATIVE TO COUNTIES AND CITIES
BE IT RESOLVED BY THE LEGISLATURE OF THE
STATE OF FLORIDA:

That the following amendment to Article VIII of the Constitution of the State of Florida, relative to Counties and Cities, to be named Section 14 of Article VIII, provided same is approved by a majority of qualified electors of Dade County who vote on the question of whether or not this proposed amendment should be submitted to the electors of the State of Florida, at the Second Primary Election to be held in May, 1948, be, and the same is hereby agreed to and shall be submitted to the electors of the State of Florida at the joint election to be held on the first Tuesday after the first Monday in November, A. D. 1948, for ratification or rejection, to-wit:

Section 14

(a) At noon on the day following the certification by the Secretary of State of the adoption of the charter and the election of the commissioners provided for in this amendment, the County of Dade and the City of Miami, and all elected and appointed county and municipal officers and officials, commissions, boards, bodies, authorities and offices, legislative, executive or administrative, whether created by the Constitution or statutes, situate therein, with the exception of other municipalities and municipal offices therein and with the exceptions herein-after noted, in the territory now comprising Dade County, Florida, shall be, and the same are hereby abolished and terminated, and, in lieu thereof, there is hereby established a political subdivision to be known as the County of Miami, Florida extending territorially throughout the present limits of Dade County.
(b) The County of Miami shall be a legal municipality and county of this State, with the powers, duties and obligations of a county and a municipal corporation, and shall be entitled to all the powers, rights and privileges and aid from the State, including representation in the State Legislature, which would accrue to it if it were a county or a municipal corporation. All property of Dade County, the City of Miami and other municipalities which may hereafter consolidate with said County of Miami as hereinafter provided, and of all other political subdivisions in said County, except Public School property and except property of the State of Florida, shall vest in said County.

(c) The manner, means and method of creating and electing a Charter Board for the County of Miami, and the election of the first Board of Commissioners shall be as provided by Special Act of the 1947 Session of the Legislature, and said Act is hereby ratified and confirmed. The charter, after approval, shall be the organic law of the County of Miami and shall supersede all Special Acts and General Acts by virtue of census classification of every kind and nature heretofore or hereafter applicable to Dade County and the City of Miami, or other political subdivisions therein, except those municipalities not consolidated with the County of Miami, provided, however, that such laws and ordinances not inconsistent with the charter or expressly repealed thereby, shall remain in full force and effect until repealed by the Board of Commissioners.

(d) The people of the County of Miami are hereby vested with, and they shall always have, the exclusive power in the making, altering, revising or amending of their charter. The charter, to be adopted as herein provided, shall designate from time to time what portion of said municipalities is a rural area. Homesteads in such rural area shall not be limited as in the city or town. Said county, in addition to the general power of taxation of a county and municipality, shall have the power in those areas not designated as rural, to levy, assess and collect additional excise and ad valorem taxes on the same basis and to the same extent as if a separate municipality and county still existed therein.
(e) The charter, among other things, shall provide:

1. The jurisdiction, powers, duties and functions of such County, its legislative, executive and administrative departments, boards, bodies and officers.

2. The method, manner and means by which other municipalities in said County may consolidate with the County of Miami and for division of the territory into districts, zones or boroughs, provided, however, that no municipality except the City of Miami shall be consolidated with said County, until after the question of such consolidation has been approved by a majority of the qualified voters of such municipality voting on said question.

3. For the performance of all duties and functions required by the State of County officers.

4. Provisions for continuing, amending or repealing the charter of the County of Miami by initiative or referendum.

5. For all officers and employees, whether active or retired, of the County or any consolidated municipality or political subdivision in the said County, to be secure in their seniority rights under Civil Service and to retain all existing pension rights, and for the placing of such officers and employees under Civil Service regulations as may be provided therein.

6. For the election or appointment of all officers and employees and their qualification, terms of office and compensation, including the creation, election or appointment of additional offices to perform any of the duties of the offices existing in Dade County by State law or by the charter for the County.

7. For the manner and method of issuing bonds and revenue certificates of indebtedness and other obligations, provided that the issuance of bonds shall be in conformance with Article IX, Section 6, of the Constitution of the State of Florida.

8. For the issuance of franchises and the regulation of public utilities and carriers.

9. The manner and method of enacting ordinances.
and for the enforcement and penalties for the violation thereof; provided, that persons charged with violations of any ordinances of the County of Miami shall not be entitled to a trial by jury.

The requirement for the inclusion of the above mentioned provisions in the charter shall not be construed to prohibit or otherwise limit the incorporation therein of other powers, duties and limitations thereof.

(f) Bonded and other indebtedness of the political subdivision in the area consolidated existing at the time of the establishment of such county, or later consolidated therewith, shall be enforceable only against property theretofore taxable therefor.

(g) The Circuit Court, Civil Court of Record, the Criminal Court of Record, Court of Crimes, County Judge, the Juvenile and Domestic Relations Court in and for Dade County, Florida, Justice of the Peace, Constables, Clerk of the Circuit Court, State Attorney, County Assessor of Taxes, County Tax Collector, Superintendent of Public Instruction, the County Board of Public Instruction, the members thereof, and the County School District, and the members thereof, are hereby preserved, and such Courts, offices and officers shall have the same jurisdiction and shall perform the same duties as now or may hereafter be prescribed by law and such additional duties as may be prescribed by the charter of the County of Miami. Provided, however, that the Clerk of the Circuit Court shall perform the duties of the Clerk of the Civil Court of Record, Clerk of the Criminal Court of Record, Clerk of the Court of Crimes, which offices are hereby abolished, of Treasurer and Clerk of all boards and bodies now or hereafter created and functioning in the County of Miami. Provided, further, the State Attorney shall perform the duties heretofore performed by the County Solicitor, which office is hereby abolished, and shall be the prosecuting attorney of the Criminal Court of Record and the Court of Crimes.

(h) There is hereby created for said County the Office of Police Commissioner, who shall perform the duties and functions of the Sheriff and such additional duties as may be prescribed by the charter. The Police Commissioner and all other offices preserved hereby shall be elected
and shall be subject to impeachment by the Board of Commissioners and tried by the Judges of the Circuit Court of the Eleventh Judicial Circuit of Florida, in the manner prescribed in the charter.

(i) The governing body of said County shall be a Board of Commissioners, the number of which shall be prescribed by the charter. One (1) shall be elected from each district as prescribed by the charter. The powers, rights and liabilities of said Board and the type and form of government to be established in said County shall be prescribed by the charter.

(j) Every officer performing State or County functions in the County of Miami shall draw the same salary or fees from the State of Florida as other officials performing similar functions draw in other counties, and such additional compensation from the County of Miami as may be provided in the charter.

(k) The provisions of Section 20 of Article III, Section 11 of Article VIII, or any other inconsistent provision of the Constitution of the State of Florida hereby shall not be applicable to this amendment.

(l) Any municipality created under the general law of this State or by special legislative act subsequent to January 1, 1945 in the territory comprising the County of Miami is hereby abolished; provided, however, that neither the Town of Bay Harbour Village nor the Town of Bay Harbor Islands, in Dade County, Florida, shall in any wise be affected by sub-section (l) in this Section.

Filed in Office Secretary of State June 16, 1947.

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Chapter 24467, No. 853

(House Bill No. 1289)

AN ACT PROVIDING THE MANNER, METHOD AND MEANS OF THE ELECTION AND CREATION OF A CHARTER BOARD IN THE TERRITORY NOW COMPRISING DADE COUNTY; PROVIDING FOR THE DRAFTING AND ADOPTING OF THE CHARTER PREPARED BY SAID BOARD FOR SAID TERRITORY; PROVIDING FOR THE ELECTION OF COMMISSIONERS OF A NEW POLITICAL SUBDIVISION IN THE
TERRITORY NOW COMPRISING DADE COUNTY TO BE KNOWN AS THE COUNTY OF MIAMI; PROVIDING THE EFFECTIVE DATE OF SAID CHARTER AND THE TIME THE BOARD OF COMMISSIONERS SHALL TAKE OFFICE; AND PROVIDING THAT THIS ACT SHALL NOT BECOME EFFECTIVE UNTIL THE JOINT RESOLUTION NO. 407 HAS BEEN APPROVED BY THE QUALIFIED ELECTORS OF DADE COUNTY AND OF THE STATE OF FLORIDA AS A WHOLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. Within thirty (30) days after the adoption of Joint Resolution No. 407, being Section 14 of Article VIII of the Constitution of the State of Florida, the Board of County Commissioners of Dade County shall, by resolution, call a special election to be held not more than ninety (90) days after the adoption of Joint Resolution No. 407 to be conducted as provided by general State law for special elections, of the qualified electors in said County of Dade, for the election in the County at large of fifteen (15) qualified electors thereof, and the same shall constitute a Charter Board to frame a charter for said County in harmony with Joint Resolution No. 407 aforesaid. At least two (2) members thereof shall reside in each County Commissioner District as the same are now constituted and the other five (5) shall reside in the County at large. Any candidate for the Charter Board shall file his written intention to be a candidate therefor with the Board of County Commissioners at least thirty (30) days prior to said election. At said election, the ballot shall contain the names of said candidates in alphabetical order. The Charter Board so elected shall immediately convene and draft a charter and upon completion, the charter so framed shall be signed by a majority of the members of the Board and delivered to the Clerk of the Circuit Court of said County, who shall publish the same, with his official certification, in not less than two (2) newspapers of said County three (3) times a week apart, the first publication being with a call for a special election, at which the qualified electors of said County shall, by vote, express their approval or rejection of said charter. There shall also be elected at said election the members of the Board
of Commissioners. The number of Commissioners, their term of office, their qualifications and manner and means of election shall be prescribed by the charter. The candidates of the number of the Board of Commissioners receiving the highest number of votes in said election shall constitute the Board of Commissioners. If the charter be rejected, then the election of said Commissioners shall be of no effect and then, within thirty (30) days thereafter, members of a new Charter Board shall be elected at a special election to be called as hereinabove provided in said County, and they shall proceed, as above, to frame a charter which shall, in a like manner, be published and submitted to a vote of said voters for their approval or rejection. There shall also be elected the members of the Board of Commissioners at said election as herein provided. If the proposed charter is again rejected, the procedure herein designated shall be repeated (each special election for members of a new Charter Board being held within thirty (30) days after each rejection) until a charter is finally approved by a majority of those voting thereon, and certified, together with the vote for or against and the names of the Commissioners elected, to the Secretary of State as aforesaid, who shall forthwith issue his certificate that the charter has been adopted and the Board of Commissioners duly elected. At noon on the day following the issuance of the certificate, the consolidation shall become effective and the members of the Board of Commissioners so elected shall take office. Thereupon, it shall become the charter of the said County of Miami and shall become the organic law thereof and supersede any special laws and existing charter amendments thereof inconsistent or conflicting therewith applicable to Dade County and the City of Miami and other political subdivisions, except the law applicable to the school system therein, and except laws affecting municipalities not consolidating with the County of Miami. The members of each of said Charter Boards shall be elected at large and they shall complete their labors within ninety (90) days after their respective elections.

Section 2. The resolution of the County Commissioners calling a special election of Charter Board members shall fix the time and place of the meeting of said Board
and shall specify the compensation to be paid to officers
and members thereof, allowing no compensation in case
of nonattendance or tardy attendance. The Charter Board
shall have the right to employ such persons as may be nec-
essary to assist in the drafting of said charter.

Section 3. All expenses of the elections provided for
herein and of the Charter Board shall be borne equally by
the City of Miami and County of Dade, and shall be pay-
able out of their General Revenue Funds.

Section 4. This Act shall become effective when Joint
Resolution No. 407 proposing amendment to Article VIII
of the Constitution of the State of Florida, relative to
Counties and Cities, is adopted and ratified by the quali-
fied electors of the State of Florida at the General Elec-
tion to be held in November, 1948, and if the same is rati-
fied and adopted, this Act shall become effective immedi-
ately thereafter.

Section 5. All laws and parts of laws in conflict here-
with are hereby repealed.

Became a law without the Governor's approval.
Filed in Office Secretary of State June 16, 1947.

* * *
CITY-COUNTY CONSOLIDATION

ida at the Second Primary Election held in May, 1948 the following question:

"Shall there be submitted to the electors of the State of Florida at the General Election to be held on the first Tuesday after the first Monday in November, 1948 for ratification or rejection Joint Resolution No. 407 relating to the consolidation of the County of Dade and City of Miami?"

Section 2. The results of said election shall be determined by the Canvassing Board as is now provided by law and the same shall be certified by the Supervisor of Registration to the Secretary of State of the State of Florida within ten days after said election. If a majority of the qualified electors as herein provided shall have voted in favor of submitting said Joint Resolution No. 407 to the electors of the State of Florida at the General Election to be held in November, 1948 then the Secretary of State shall place Joint Resolution No. 407 on the ballot to be voted on at the General Election to be held on the First Tuesday after the first Monday in November, 1948, for ratification or rejection.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 16, 1947.