

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 5, 2019 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A QUESTION ASKING WHETHER, EFFECTIVE WITH THE CITY'S NOVEMBER 2021 GENERAL ELECTION, CITY CHARTER SECTIONS 2.01 AND 2.02 SHOULD BE AMENDED TO: INCREASE MAYOR'S TERM FROM TWO TO FOUR YEARS; CHANGE MAYOR'S TERM LIMIT FROM THREE TWO-YEAR TERMS TO TWO FOUR-YEAR TERMS; RETAIN CHARTER'S RETROACTIVE MEASUREMENT AND CALCULATION PROVISIONS; AND PROHIBIT PERSONS FROM SERVING AS MAYOR FOR MORE THAN EIGHT YEARS (PERIOD INCLUDING YEARS PREVIOUSLY SERVED AS MAYOR), EXCEPT TO COMPLETE A TERM, ONE-HALF OF WHICH HAS BEEN SERVED.**

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

**SECTION 1.**

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 5, 2019, for the purpose of submitting to the electorate the question as set forth hereinafter.

**SECTION 2.**

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

**SECTION 3.**

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

---

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

**SECTION 4.**

Not less than thirty days' notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

**SECTION 5.**

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

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 5<sup>TH</sup> DAY OF NOVEMBER, 2019, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**City Charter Sections 2.01 and 2.02:  
Increasing Mayor's Term and Changing Mayor's Term Limit**

**Effective with City's November 2021 General Election, shall Charter Sections 2.01 and 2.02 be amended to:**

- **Increase Mayor's term from two to four years;**
- **Change Mayor's term limit from three two-year terms to two four-year terms;**
- **Retain Charter's retroactive measurement and calculation provisions;**
- **Prohibit persons from serving as Mayor for more than eight years (period including years previously served as Mayor), except to complete a term, one-half of which has been served?**

Yes \_\_\_\_\_  
No \_\_\_\_\_

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

**SECTION 6.**

That the official ballot to be used in the Special Election to be held on November 5, 2019, hereby called, shall be in substantially the following form, to-wit:

**“OFFICIAL BALLOT”**

**City Charter Sections 2.01 and 2.02:**  
**Increasing Mayor’s Term and Changing Mayor’s Term Limit**

**Effective with City’s November 2021 General Election, shall Charter Sections 2.01 and 2.02 be amended to:**

- **Increase Mayor’s term from two to four years;**
- **Change Mayor’s term limit from three two-year terms to two four-year terms;**
- **Retain Charter’s retroactive measurement and calculation provisions;**
- **Prohibit persons from serving as Mayor for more than eight years (period including years previously served as Mayor), except to complete a term, one-half of which has been served?**

Yes \_\_\_\_\_  
No \_\_\_\_\_

**SECTION 7.**

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

**SECTION 8.**

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on October 7, 2019. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87<sup>th</sup> Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

**SECTION 9.**

That voters participating via a vote-by-mail ballot in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting.

**SECTION 10.**

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

**SECTION 11.**

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

**SECTION 12.**

This Resolution shall be effective immediately upon its passage.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
DAN GELBER  
MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO  
CITY CLERK

(Requested by Commissioner John Elizabeth Alemán)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Raul C. Aguilera 7/9/19  
City Attorney NK Date

**CITY OF MIAMI BEACH CHARTER SECTIONS 2.01 AND 2.02:  
PROPOSED BALLOT QUESTION AND AMENDED CITY CHARTER TEXT--  
NOVEMBER 5, 2019 SPECIAL ELECTION**

---

**I. BALLOT QUESTION:**

**City Charter Sections 2.01 and 2.02:  
Increasing Mayor's Term and Changing Mayor's Term Limit**

Effective with City's November 2021 General Election, shall Charter Sections 2.01 and 2.02 be amended to:

- Increase Mayor's term from two to four years;
- Change Mayor's term limit from three two-year terms to two four-year terms;
- Retain Charter's retroactive measurement and calculation provisions;
- Prohibit persons from serving as Mayor for more than eight years (period including years previously served as Mayor), except to complete a term, one-half of which has been served?

**II. PROPOSED AMENDED CITY CHARTER TEXT:**

**City of Miami Beach Charter, Section 2.01: "Number and selection."**

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

Commissioners in groups numbered I, II and III shall be elected at the general election to be held on the first Tuesday in November 1997 for a term of four (4) years and at each general election each four (4) years thereafter. Commissioners in groups numbered IV, V, and VI shall be elected at the general election to be held on the first Tuesday in November 1995 for a term of four (4) years and at each general election each four (4) years thereafter. Commencing with the City's general election in 2021, the Mayor shall be elected at the general election to be held on the first Tuesday in November 1995 for a term of four (4) years and at each general election each ~~two (2)~~ four (4) years thereafter.

A candidate must receive a majority of the votes cast to be deemed elected. If no candidate receives a majority of the votes cast, there will be a runoff election between the two candidates in each group receiving the highest number of votes; should a tie result, the outcome shall be determined by lot. This runoff election shall occur two weeks from the date of general election.

In the event that no candidate has qualified in any group, or for Mayor, a vacancy shall be deemed to have occurred, and shall be filled as provided by the Charter of the City of Miami Beach for the filling of a vacancy.

**City of Miami Beach Charter, Section 2.02: "Term, Term Limits and Compensation."**

Commencing with the City of Miami Beach's General Election in November 2021:

(a) ~~T~~the term of office of the Mayor shall be ~~two (2)~~ four (4) years. The term of office of the City Commissioners shall ~~be~~ remain at four (4) years.

(b) Subject to subsection (c) below, ~~t~~The lifetime term limit for Miami Beach Commissioners and for Mayor shall be two four-year terms, ~~and the lifetime term limit for Miami Beach Mayor shall be three two-year terms~~ respectively, all terms to be measured retroactively from their first elections, said terms not including time served as a member of the City of Miami Beach Commission as a result of having filled a vacancy in the Commission pursuant to Section 2.07 of the City of Miami Beach Charter so long as such time served in filling a vacancy does not exceed 50% of that subject term. Service by a Commission member in excess of 50% of any term of office shall be considered a full term for purposes of the term limit provisions in this section.

(c) For purposes of implementing the provisions of this Section and transitioning to the amended Mayoral term/term limits set forth herein, a person elected to the office of Mayor may serve in such capacity for a combined maximum of eight years (said eight year maximum including years served as Mayor prior to November of 2021 and regardless of number of Mayoral terms previously served), subject to the proviso that any such person serving as Mayor who shall have served one-half of his/her term upon serving eight years as Mayor shall be entitled to complete that subject term; in the event such one-half of term has not been served, any remaining portion of said unexpired term shall be filled in accordance with Charter section 2.07.

(d) The annual compensation for the Office of Commissioner shall be six thousand dollars (\$6,000.00) and the compensation for the Office of Mayor shall be ten thousand dollars (\$10,000.00); any increase in salary for Mayor and/or Commissioner shall require approval of a majority of the electorate voting at a City election.