## ARTICLE 9. GENERAL PROVISIONS

[SECTION 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.](#BK_23107527E19E235863B7749C781F93A9)

[SECTION 9.02. RESERVED.](#BK_DDF937070073D5972ACB7C337BC9F3A9)

[SECTION 9.03. TORT LIABILITY.](#BK_AC32D0B051DDF39BACCCF7B035585BA6)

[SECTION 9.04. SUPREMACY CLAUSE.](#BK_E722573AFB51A91C481734432B59AA31)

[SECTION 9.05. EXISTING FRANCHISES, CONTRACTS, AND LICENSES.](#BK_375D26A014FE2FD6A84DFE666FDFB122)

[SECTION 9.06. EFFECT OF THE CHARTER.](#BK_3555ED5948A8C63FB5BCD1521535DC59)

[SECTION 9.07. AMENDMENTS.](#BK_EA221B0CCA4BFCD73B516294A170F22A)

[SECTION 9.08. REVISIONS.](#BK_F4C8A08E5B90B63FF486F76E012907A8)

[SECTION 9.09. EFFECTIVE DATE.](#BK_3276F99428C561DC1D4EF485FA807CE0)

[SECTION 9.10. COMMISSION AUDITOR.](#BK_B4284998D180A393AACF76F454AF98C7)

SECTION 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.

A. On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the Mayor, who shall assume all the duties and functions of these offices required under the Constitution and general laws of this state: County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration. The Mayor may delegate to a suitable person or persons the powers and functions of such offices.

B. In the event that other elective officers are abolished by the Board, the Board shall provide that any person duly elected to such office shall if he so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he was elected, and shall provide for the continuation of all duties and functions of these offices required under the Constitution and general laws.

C. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required under the Constitution and general laws of this state. The Mayor may delegate to a suitable person or persons the powers and functions of such office.

SECTION 9.02. RESERVED.

SECTION 9.03. TORT LIABILITY.

The county shall be liable in actions of tort to the same extent that municipalities in the State of Florida are liable in actions in tort. However, no suit shall be maintained against the county for damages to persons or property or for wrongful death arising out of any tort unless written notice of claim shall first have been given to the county in the manner and within the time provided by ordinance, except that the time fixed by ordinance for notice shall be not less than 30 days nor more than 120 days.

Note: Waiver of County's tort immunity held unconstitutional in Kaulakis v. Boyd, Fla. 1962,138 So.2d 505.

SECTION 9.04. SUPREMACY CLAUSE.

A. This Charter and the ordinances adopted hereunder shall in cases of conflict supersede all municipal charters and ordinances, except as herein provided, and where authorized by the Constitution, shall in cases of conflict supersede all special and general laws of the state.

B. All other special and general laws and county ordinances and rules and regulations not inconsistent with this Charter shall continue in effect until they are superseded by ordinance adopted by the Board pursuant to this Charter and the Constitution.

SECTION 9.05. EXISTING FRANCHISES, CONTRACTS, AND LICENSES.

All lawful franchises, contracts, and licenses in force on the effective date of this Charter shall continue in effect until terminated or modified in accordance with their terms or in the manner provided by law or this Charter.

SECTION 9.06. EFFECT OF THE CHARTER.

A. This Charter shall be liberally construed in aid of its declared purpose, which is to establish effective home rule government in this county responsive to the people. If any Article, Section, subsection, sentence, clause, or provision of this Charter or the application thereof shall be held invalid for any reason, the remainder of the Charter and of any ordinances or regulations made thereunder shall remain in full force and effect.

B. Nothing in this Charter shall be construed to limit or restrict the power and jurisdiction of the Florida Railroad and Public Utilities Commission.

SECTION 9.07. AMENDMENTS.

A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted. An initiative petition to amend this Charter shall be submitted, together with proposed ballot language, to the Clerk of the Circuit Court, who shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.

B. Amendments to this Charter may be proposed by initiatory petitions of electors. The Board of County Commissioners shall call a county wide election to be held in conjunction with the next scheduled general election after the date that a certified petition is presented to the County Commission.

C. Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held in conjunction with the next scheduled general election after the Board adopts a resolution proposing any amendment.

D. The result of all elections on charter amendments shall be determined by a majority of the electors voting on the proposed amendment.

SECTION 9.08. REVISIONS.

At least once in every 5 year period the Board shall review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter. The proposed revision shall then be presented to the Board for review, modification and approval. If the Board approves such proposed revision, either with or without modification, it shall present such proposed revision to the electorate in accordance with the provisions of [Section 9.07](../level2/PTICOAMCH_ART9GEPR.docx#PTICOAMCH_ART9GEPR_S9.07AM)(C) and (D). Simultaneous elections may be held on a proposed revision and on individual amendments that are proposed.

SECTION 9.09. EFFECTIVE DATE.

This Charter shall become effective 60 days after it is ratified by a majority of the qualified electors of the county voting on the Charter.

SECTION 9.10. COMMISSION AUDITOR.

There is hereby created and established the Office of the Commission Auditor. The Commission Auditor, who shall be a certified public accountant, will be selected by the County Commission and shall report directly to the County Commission. The County Commission shall provide by ordinance for the specific functions and responsibilities of the Commission Auditor, which shall include but not be limited to providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.