

**CHARTER
OF THE
CITY OF MIAMI BEACH
FLORIDA**



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AS PASSED IN 1917 AND AS AMENDED
THROUGH 1947

CHARTER OF THE CITY OF MIAMI BEACH,
AS PASSED IN 1917 AND AS AMENDED AS
OF JULY 1ST, 1947

CHAPTER 7672

AN ACT to abolish the present Municipal Government of the Town of Miami Beach, in the County of Dade and State of Florida, and to establish, organize and incorporate a City Government for the City of Miami Beach, to define its territorial boundaries, to prescribe its jurisdiction, powers and privileges, and for the exercise of same, and to authorize the imposition of penalties for the violation of its ordinances.

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

SECTION 1. That the existing Municipality of the Town of Miami Beach, in the County of Dade and State of Florida, be and the same is hereby abolished.

SECTION 2. That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action held or owned by the municipality of the Town of Miami Beach shall pass to and be vested in the municipal corporation hereby organized to succeed such municipality.

SECTION 3. That no obligation or contract of said municipality, including all bonds issued and outstanding, shall be impaired or avoided by this change, but such debts and obligations shall pass to and be binding upon the new municipality hereby organized and created.

SECTION 4. That all officers of the existing municipality of the Town of Miami Beach, whether elected or appointed, shall continue to hold office during the unexpired term of their respective offices, and to discharge the duties and receive the emolument thereof until a general city election is held pursuant to the provisions of this charter, and all ordinances, resolutions and regulations of the Town of Miami Beach regularly passed, promulgated and enrolled not inconsistent with the provisions of this Act, shall remain in full force and effect until the same shall have been regularly amended, rescinded or repealed.

SECTION 5. (As amended 1925) That a municipality to be called City of Miami Beach, in the County of Dade and State of Florida, is hereby created, organized and established, the territorial boundaries of which shall be as follows:

Begin in Dade County, Florida, at a point fifteen hundred (1500) feet East of where the North line of Section Two (2) in Township fifty-three (53) South of Range forty-two (42) East, intersects the low water mark of the Atlantic Ocean; thence run in a Southerly direction meandering fifteen hundred (1500) feet East of the low water mark of the Atlantic Ocean to a point on a line running due east and west along the center of Bears' Cut, South of the most Southerly point of Virginia Key; thence run due West along said line to the Eastern boundary line of the City of Miami, Florida, projected straight South; thence run in a Northerly direction along said Eastern boundary line of the City of Miami, Florida, projected as aforesaid, to a point on a line parallel with the South line of Sections three (3) and Four (4) of Township fifty-four (54) South of Range forty-two (42) East, and 508.85 feet South and 13015.6 feet West of the Southeast corner of the Southwest quarter (1/4) of said Section three (3), Township fifty-four (54) South, Range Forty-two (42) East; thence continue in a Northerly direction to a point on a line running East and West through the center of Sections Twenty-two (22) and Twenty-three (23) in Township fifty-three (53) South, Range Forty-two (42) East, produced West, and 10249.6 West of the Northeast corner of the Southeast Quarter (1/4) of said Section twenty-two (22); thence continue in a Northeasterly direction following as near as may be

the center of Biscayne Bay to the intersection of Biscayne Bay with the North line of said section two (2), Township fifty-three (53) South, Range forty-two (42) East, projected West; thence run East to a point fifteen hundred (1500) feet East of where the North line of said section Two (2), Township fifty-three (53) South, Range forty-two (42) East, intersects the low water mark of the Atlantic Ocean, which is the place of beginning, which territorial boundaries shall include all islands, sand bars and submerged land lying within said described territory.

SECTION 6. (As amended 1933) That the City of Miami Beach shall have the power:

(a) To sue and be sued, to acquire by purchase, gift, devise, bequest, lease or other agreement, real and personal property for the benefit of the City, its citizens and its Winter and Summer visitors, and to foster, develop and enhance the tourist attractions of the City, and to use the same for municipal revenue or for any of its purposes, including in such property realty for park, recreational and public amusement purposes, such as golf courses, bathing beaches, athletic fields, and other necessary sites and locations for baseball, football, basketball, tennis, bowling on the green, shuffle board, checkers and other outdoor sports, recreations and amusements; to improve and develop such realty by constructing thereon parks, gardens, golf courses, fair and carnival grounds and public concourses, and by building thereon such club houses, exhibition halls, auditoriums, theatres, show places, concession stands and other buildings which may be deemed necessary, profitable or advantageous for the development of public amusements and recreations, and the attraction of the City for tourists; to maintain, conduct, operate, improve and develop such recreational and tourist amusement features of the City through employees or through concessionaires, and to require or permit the charge of reasonable admissions and fees for the amusement, recreation and privileges afforded by the City. To sell, lease, operate any of its property or any portion thereof, real or personal; to operate property acquired for revenue; to lease and construct and maintain and operate telephone system or systems; street or local railway, busses or bus lines for transportation of freight or passengers for hire, works or plants for supplying the inhabitants of said City with water, ice, gas, light, power or heat; to construct and maintain bridges, viaducts, subways or tunnels, a city hall, city jail, garages, machine shops, fire stations, incinerators, laboratories for tests and analysis, hospitals, market houses, docks, wharves, warehouses, barges, tugs, sea-walls, bulkheads, and/or board or other walks, or plants, or groynes or jetties or other things for the protection of any land or other property within its territorial limits from the effects of wind or water, or for the recreation, welfare or convenience of its inhabitants and that any or all of the aforesaid may be constructed and operated upon property of said City, or on which it has perpetual easement, or which is dedicated to said City or the public.

(b) That the right given in this Act on the part of the City of Miami Beach, to sell that part of its real property now or hereafter held for park purposes or as public parks, shall not accrue or be operative on the part of said City except when and as said property has ceased to be used by the public generally for such purposes, provided, however, that the restriction contained in this section shall not be interpreted as preventing the City

from having all the powers given and granted in Section 6-(a) hereof other than to restrict the absolute conveyance of park property while it is being used for park purposes.

SECTION 6 - continued (As amended 1927)

- (b) To pave, repave, curb, macadamize, remacadamize, open, widen, and otherwise improve highways by whatever designation they are known, and to close, discontinue and vacate any part thereof; to construct and maintain sidewalks, sewers, drains, conduits, police or fire alarm systems, white-way or other lighting systems and to regulate or restrict the use of all highways, parks or public grounds and any of the works or plants or things hereinbefore mentioned by its inhabitants or other persons and to prevent the obstruction of any thereof; and for such purposes to classify persons using or vehicles used on any public ground, highway or plant or other things hereinbefore provided for, for his or their business or pleasure and to regulate and/or provide the conditions under which any such class may or may not use such public grounds, highway or plant or other things, or to prohibit such use for business purposes; to install and maintain signs or instrumentalities to be observed in the use of any public highway, plant or ground and to provide regulations with reference to the operation and speed and manner of movement of all manner of vehicles or other thing moved over the same and provide for the observance of such signs or instrumentalities both by pedestrians and the operators of such vehicles and to regulate the services to be rendered and rates to be charged by busses, jitneys, cabs or any other vehicles carrying passengers or freight or other things within said City or to points from without to points within said City, or from points within to points without; and to regulate and limit the speed at which street cars and motor or other vehicles may be operated in any public place or highway and the speed at which watercraft may be operated in the waters or any parts thereof within said City and to provide whether and under what conditions watercraft may be anchored or landed and to regulate the minimum height at which aircraft may be flown and prohibit the operation over places where people are congregated or the landing thereof near where people are collected.
- (c) To contract debts, borrow money and make and issue evidences of indebtedness and in the purchase of property to issue mortgages securing the payment of any unpaid balance of the purchase price thereof, but no mortgage shall be made encumbering any of its property for any other purpose, provided, however, that the contracting of debts, borrowing of money and issuance of bonds or other evidences of indebtedness shall not be construed to be creating a mortgage upon its property.
- (d) To exercise the right of eminent domain and by virtue thereof to acquire title to or rights of way in property within the territorial limits of said City for any of the foregoing purposes.
- (e) To acquire title to submerged lands and riparian rights and easements or rights of way with or without restrictions within said City.
- (f) To establish a harbor line in the Atlantic Ocean and to control and prohibit the use of submerged land east thereof except for boating, fishing and bathing and to provide life guards for safety purposes.
- (g) To provide and enforce rates for and the manner and time of payment of any commodity or thing supplied or sold by said City by virtue of any of the foregoing powers and to limit the use of and conditions under which any of such commodities or things may be used by consumers.

- (h) To erect and maintain such plants, barges or boats as may be deemed necessary for the neutralizing, destroying or disposition of sewage, garbage, refuse, trash or surplus water; or for the maintenance of any of its property; to purify its water supply; and to prevent pollution, or threatened pollution, of its water supply or any water in any bay, stream or ocean or underground within its territorial limits.
- (i) To require the placing of any or all, or parts of any or all electric telephone or telegraph wires in conduits underground and prescribe rules and regulations for the construction and use of such conduits, and penalties for the failure to observe such regulations and in case of failure of any person or company to observe the same to construct such conduits and place such wires underground and hold and enforce a lien against the property and franchises of such person or company so failing to observe such regulations and to hold possession and prevent the use of such wires until such lien shall have been paid.
- (j) To dredge or deepen the harbor or any waterway or any part thereof within said City.
- (k) Subject to the provisions of the Constitution of Florida and of this Enactment, both inclusive, to grant franchises for public utilities.
- (l) To collect and dispose of sewage, offal, refuse, trash, debris, garbage or other things which may be deemed to be a nuisance or detriment to public health, convenience or welfare; to define or abate or compel the abatement and removal of and provide penalties for the creation and maintenance of nuisances within said City or upon property owned by it beyond its limits, at the expense of the person causing the same or the owner or occupant of the premises where the same may be; to eradicate mosquitoes or other pests; to require all lands, lots, and other premises within said City to be kept clean, sanitary and free from weeds, trash or debris or to make them so at the expense of the owner or occupants thereof, and to hold liens against lands cleaned of weeds, trash or debris or other unsanitary matter for the cost thereof, and to enforce the same as other liens are enforced, to regulate or prevent the establishment or maintenance of any offensive business or thing within said City which may be detrimental to the health, convenience or welfare of the inhabitants or part thereof of said City; to regulate or prohibit the keeping of animals, poultry or other fowl, canines or felines within said City, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to prohibit the creation of dust, smoke and unnecessary noises therein and to regulate the location and manner of keeping stables or any other place which creates an offensive odor or noise and generally to define, prohibit, make unlawful, abate, suppress and provide penalties for the doing or maintenance of all things detrimental to the health, comfort, safety, convenience or welfare of a part or all the inhabitants within the said City and in addition thereto to provide and adopt ordinances making any offense which is an offense against the State of Florida an offense against said City, and to provide a penalty upon the conviction thereof, and to exercise the same powers with reference to search and seizure warrants as are exercised by the State of Florida.
- (m) To inspect, test, measure, and weigh any commodity or article consumed or used within said City, regulate, license and inspect weights, meters, measures and scales and provide ordinances to prohibit the maintenance or use of any thereof found to be used contrary to such ordinances upon inspection.
- (n) To extinguish and prevent fires and compel persons within said City to assist the Fire Department or Departments in case of need; and to establish and regulate a Fire Department or Departments.

(o) To prevent persons having no visible means of support, paupers or persons who may be dangerous to the peace or safety of the inhabitants of said City from coming or remaining therein.

(p) To provide for the preservation of the general health of the inhabitants of said City, make regulations to secure the same, inspect all foods and foodstuffs, whether liquid or otherwise, and all supplies of water or other drinks distributed or sold within said City; to prevent the introduction and sale in said City of anything intended for human consumption which is adulterated, impure or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of such article or thing without liability to the owner thereof; to prevent the introduction of contagious or infectious diseases, and prevent and suppress diseases generally, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals or places of isolation provided by said City; to establish and maintain quarantine as to persons or places or as to the whole or any part of said City and to regulate the observance of such quarantine; to provide for the organization of a Department, Board or Bureau of Health with authority to enforce the ordinances of said City pertaining to the health and sanitation of said City and to keep records of vital statistics and compel the report of all births, deaths and other information incident thereto by physicians, undertakers, nurses, or families where such births or deaths take place.

(q) To exercise full police powers and establish and maintain a Police Department.

(r) To provide for the creation and maintenance of a benefit fund for the members of the Police, Fire or any other department of said City or their families and the administration thereof.

(s) To prohibit the sale, transportation or possession of intoxicating liquors, wines and beers within the City and to enforce all of the provisions of the laws of this State with reference thereto; to regulate or prohibit hawkers, peddlers and beggars upon any public highway or place.

(t) To adopt ordinances establishing fire limits or zones and to provide when and under what conditions structures for habitation, commercial or other uses may be constructed and maintained within or without such zone or zones and the elevation, character and size of materials or things which may be used in such structures and provide for the construction of different classes in such manner as to provide for the safety of persons in, on or about the same, the ventilation thereof and for the admission of natural light therein, and to provide conditions under which such structures may be removed, repaired or added to; and to provide for the issuance of permits for such structures before it is commenced and the conditions under which such permits may be issued, the charge of fees therefor and the inspection by said City of all such structures while under construction and after completion, to provide for the condemnation, demolition and removal of structures damaged by fire, storm or otherwise as to become a menace to health or public safety or a fire hazard, and to ordain such other things relating to the above subjects as will promote or preserve the public health, welfare or safety.

(u) To require the owners of swamp or marshylands or land habitually over-flowed to drain or fill in the same; to require all or any owners of real estate abutting on the street where a sewer has been laid to connect any building on such real estate with such sewer, and to require owners of property to clear the same of and destroy weeds, undergrowth, rubbish, debris, trash and unsightly and unsanitary matters, and if any of said requirements are not complied with within ten days after service of notice of such requirement on such owner or within ten days after the pub-

lication of notice of such requirement by describing the property as to which such requirement is made, then said City may proceed to satisfy such requirement so made upon the adoption of a resolution setting forth such notice and its intention to satisfy such requirement, and the cost thereof when ascertained may by a resolution be made a lien against the property as to which such requirement is made of the same extent and character as the lien hereinafter provided for assessments for improvements, and the said lien shall be forthwith due and foreclosable; but in any of such cases the City may satisfy such requirements without making the cost thereof a lien against such property, at its option; and for the purposes of this paragraph any building which shall have been so damaged by fire, storm or otherwise as to become a menace to the health, public safety or a fire hazard shall be considered and construed to be trash, debris or unsightly and unsanitary matter.

(v) To impose a license tax upon occupations, professions or businesses and collect the same and provide a penalty for the conduct of any occupation, profession or business so taxed without the payment of such tax; and may assess real and personal property and levy taxes thereupon for the raising of revenue sufficient to administer the affairs of said City, to pay its obligations and interest, and in so doing the general law of the State of Florida upon the subject of taxation as it now or hereafter exists shall apply to and govern the assessment, levy and collection of taxes; the sale of property for non-payment of taxes and in all other respects, except that the City Council shall act for said City in all cases when the Board of County Commissioners would act under said general law of the State of Florida; provided, however, that the time for the completion of the tax roll, the ascertainment and determination of the amount necessary to be raised by taxation, the time of equalization and ministerial duties to be done by the Tax Collector and Tax Assessor may be prescribed by ordinance and the City shall have power to provide rules and regulations as to the manner of assessment and collection of taxes and to provide penalties for their non-observance, provide discounts not exceeding six per cent for payment of taxes within prescribed periods, and provide for the advertisement of sale of property for unpaid taxes in a newspaper of general circulation in said City if such newspaper is published in Dade County, Florida.

(w) To adopt such ordinances as may be deemed necessary to enjoy the powers hereinbefore granted and to enforce the observance of such ordinances and to provide penalties for the violation of such ordinances by a fine not exceeding \$500.00 or by imprisonment in the City or County Jail, or at hard labor on the streets or other work of said City, and imprisonment in jail shall include such work, for a term not exceeding ninety days, or by both such fines and imprisonment, or to provide one penalty for the violation of all of its ordinances, or any of them, or such of them as do not contain provisions for penalties for its violation.

Note: See revision in Chapter 17596-Spec. Acts of 1935

(x) To adopt all ordinances or do all things deemed necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, health, and convenience of said City, or its inhabitants and to exercise all of the powers and privileges conferred upon cities or towns by the general law of Florida, when not inconsistent herewith.

SECTION 6 $\frac{1}{2}$. (As amended 1921) The City of Miami Beach, Florida, shall not be annexed to, nor consolidated with, any other incorporated city or town, nor shall the territorial limits of any city or town be extended so as to embrace or include all or any part of the municipality of Miami Beach, Florida, regardless of whether the population of any such city or town desiring any such annexation or the extension of its territorial limits be more or less than ten

thousand, without the consent of a two-thirds majority of the registered voters of said City of Miami Beach, actually voting at an election held in said City of Miami Beach in the form and manner provided by Section 1919 of the Revised General Statutes of Florida.

SECTION 7. The City of Miami Beach, shall furthermore have full power and lawful authority to drain, fill in, reclaim swamps, marshes and over-flowed lands for the purpose of protecting the health of its inhabitants, and of ridding the City of Miami Beach in so far as practicable of mosquitoes and other insects that breed in low marshy places; and said City shall furthermore have full power and lawful authority to charge up the cost of such drainage, filling or reclamation against the lands so drained, filled or reclaimed, and shall have and hold a lien against said land until the cost of such filling, draining or reclamation shall have been fully paid by the owner of said property so drained, filled or reclaimed, as aforesaid.

SECTION 8. (As amended 1947) That all persons, except members of the Police and Fire Departments, who hold office in the City Government by virtue of an election by the people, or who are appointed to any City office whether herein designated or prescribed by ordinance pursuant to the provisions hereof shall be held and deemed to be City Officers of the City of Miami Beach, and no one shall be elected or appointed to a City Office, save and except the City Manager, Assistant City Manager, City Attorney, City Engineer, City Auditor, Chief of Police, Chief of the Division of Public Health, and/or his assistants who is not a legally qualified voter of said City. That the government of said City shall be vested in a Mayor, a City Council, a City Manager, a Municipal Judge, a Chief of Police, a City Clerk, a City Collector, a City Assessor, a City Auditor and a City Attorney, and such other officers as may be appointed and elected in pursuance of law, and the office of Mayor, as now provided by law, shall be abolished at 10:00 A.M. on the third day after the next general City election which shall be held in June, A. D. 1937, and shall be abolished upon the death or resignation prior to said date of any Mayor elected hereunder following the general City election held in 1932, and said City Council shall consist of seven members, and the seven members in office at the time this Act becomes a law shall hold office until the next general election shall be held, and until their successors are elected and qualified, provided that the two Councilmen who received the highest number of votes in the general election held in said City in December, 1934, shall continue to hold office for the term of two years from the next general election and until their successors are elected and qualified, and provided that in the general election to be held in said City in June, 1937, and at every general election to be held in said City thereafter, there shall be but five members of said City Council elected, the two of whom receiving the highest number of votes at such election shall hold office for the term of four years; the remainder of said City Councilmen so elected at each election to hold office for a period of two years; and the members of the City Council shall be elected from the City at large. And said City Council shall, at its first meeting after each general election which shall be within three days after the general election, elect from its membership a Chairman who shall hold office at the pleasure of the Council and who shall be the presiding officer at the meetings of the Council and shall, after the office of Mayor, as now provided by law, shall have been abolished as herein provided, bear the title of Mayor and shall have a voice and a vote in the proceedings of the City Council, but no veto power, and he may use the title of mayor in any case in which the execution of legal instruments of writing, or other necessity arising from the General Laws of the State so requires; he shall sign all deeds, contracts, bonds or other instruments of writing to

which the City is a party, when authorized so to do by ordinance or resolution of the City Council; but he shall not have the administrative or judicial functions and powers of a Mayor under the General Laws of the State. He shall be recognized as the official head of the City by the Courts for the purpose of serving civil processes, by the Governor in the exercise of military law and for all ceremonial purposes and he shall, in addition thereto, perform such other duties as may be by ordinance prescribed by the City Council. In the event of the absence or the inability or the resignation of the Mayor, the other members of the City Council shall select one of their number to perform his duties. No member of the City Council shall, during the time for which he was elected be appointed or elected to any City office that has been created, or the emoluments whereof shall have been increased during such time.

SECTION 9. All ordinances becoming a law shall be presented at a regular meeting and read in full. They shall be read a second time, either at the meeting at which the ordinance is given its first reading or at some subsequent meeting, and, by the unanimous consent of the City Council present a second reading may be by title only. The ordinance proposed to be adopted shall lie over from the meeting at which it is given its first reading until the next regular meeting of the Council, or some subsequent regular meeting, and then be placed upon its third reading and final passage, at which time it shall be read in full. If a majority present vote in favor of the ordinance it shall be adopted, the votes so taken to be upon call of the roll; provided, however, that the City Council may, when the health or welfare of the City or any part thereof is in peril, pass any ordinance not in conflict with the provisions of this City Charter, for the protection of the citizens, at any meeting of the City Council, in which event the three readings hereinbefore provided for may be had in one session.

SECTION 10. (As amended 1935) The City Council shall have full power and lawful authority to subdivide the said City of Miami Beach into any number of voting precincts, or districts it may deem proper.

SECTION 11. (As amended 1945) The Government of said City shall be carried on by the following officers, to-wit: a Mayor, a City Council, a City Manager, a Municipal Judge, a City Marshal or Chief of Police, a City Clerk, a City Collector, a City Tax Assessor, a City Auditor and a City Attorney, and the City Council shall have full power and lawful authority to combine into one office the office of City Clerk and Assessor, or City Clerk and Collector, or City Clerk, Assessor and Collector; they shall also have full power and lawful authority to combine into one office, if they see proper, the offices of City Marshal or Chief of Police and Collector, or the offices of City Marshal or Chief of Police and Assessor, and when so combined the person elected or appointed to such office shall discharge all the duties prescribed by the terms and conditions of this Charter or by City Ordinances for each of the said offices so combined. The City Council shall also have full power and lawful authority to create by Ordinance, not inconsistent with this Charter, such other offices and officers as they may deem proper for the welfare of the City and each of the officers above designated and such additional officers as may be created by the City Council, shall perform such duties and receive such compensation as may be prescribed by the ordinances of the City of Miami Beach, not inconsistent with this Charter, and the City Council is hereby given specific power and authority to fix and increase the compensation of its own members, notwithstanding that such increase may affect councilmen then in office who may have voted for such increase, provided, however, that said City Councilmen shall

not in any event receive a salary of more than \$3,000.00 per year each; and provided that only the members of the City Council shall be elected by the duly qualified voters of the City at elections called and held pursuant to the provisions hereof and of the City Ordinances, and that all other officers of said City shall be elected or appointed as herein provided. Provided, further, the increase of the salary of City Councilmen shall not prevent any City Councilman, in office at the time of such increase, being a candidate for, and being elected to, the City Council at ensuing elections; notwithstanding the provisions of Section 8 of the Charter of the City of Miami Beach being Section 8 of Chapter 7672 of the Laws of the State of Florida of 1917, as amended.

SECTION 12. No officer of the City of Miami Beach and no member of the City Council shall be directly or indirectly interested in any contract with said city, or discount or speculate in City Warrants, or bid for or enter into or be in any way interested in a contract for any public work of said city. No municipal officer or member of the City Council shall purchase supplies or materials for public use from himself or from any firm or corporation in which he is interested, nor in any manner share in the proceeds of such purchase, except in cases of emergency, nor shall the City Council pay for such supplies, goods or materials so purchased. All persons violating the provisions of this section may be removed from office and all such contracts, except in cases of emergency, are hereby declared illegal and void; Provided, That no bank or trust company, located or to be hereafter located in the City of Miami Beach shall be precluded from purchasing any City Warrants or script or from purchasing emergency bonds, or certificates of indebtedness, or bonds issued against such certificates, or from bidding for and purchasing any issue of city bonds or city obligations of any kind or character, by reason of any officer, director or stockholder of such bank or trust company being an officer of the city or a member of the City Council; and provided further, that all banks or trust companies of said city, may purchase or receive on deposit, any City Warrant, bond or other evidences of indebtedness of the said city, or may be named by ordinance as a depository of city funds and all such contracts or obligations shall be valid and binding, notwithstanding the fact that an officer of said bank or trust company, or a stockholder or director thereof, may be at the time an officer of said city or member of the City Council.

SECTION 13. (As amended 1935) The duties of the City Manager shall be to see that all the ordinances of the said City are faithfully executed, and he is authorized by and with the consent of the City Council to appoint such police force as shall be necessary to insure peace and good order of the City, and the observance of law within the city limits. He shall have power to appoint by and with the consent of the City Council, all the officers of the City (and police and firemen) who are not made elective by this charter, except the City Manager, City Attorney and City Engineer, who shall be elected by the City Council; provided, that at any regular meeting within fifteen days following any general election and at any regular meeting within fifteen days after any office, except that of a member of the City Council, becomes vacant the City Manager shall certify his appointment to the City Council for the various officers and the City Council shall, upon such appointment, take the same under consideration not later than their first meeting after such appointment is certified to them at a regular meeting. If the appointees or appointee of the City Manager are confirmed by the City Council, he or they shall qualify as such officer or officers and enter upon the discharge of his or their duties. In the event that such appointment or appointments are rejected by the City Council, the City Manager shall be notified of such rejections by the City Clerk within forty-eight hours and

thereafter the City Manager shall be authorized and empowered to certify other appointments to the City Council at the next regular meeting thereof for the office or offices left vacant by reason of the action of the City Council in rejecting the first nomination of the City Manager; and in the event that the City Council shall fail or refuse to confirm such appointment, or in the event that the City Manager shall fail or refuse to certify to the Council such appointment or appointments as aforesaid, then the City Council shall proceed to elect such officer or officers by a majority vote of the members present.

The City Manager shall have the power to bid in all property for the City at any and all judicial sales under process of law, where the City is a party; he may take command of the police and govern the City by proclamation during times of grave public danger or emergency, and the City Council shall be the judge of what constitutes such danger or emergency; he may from time to time make recommendations to the City Council for the enactment of such laws or the adoption of such rules and regulations for the government of the various City Departments as will in his judgment best promote the interests of the City; and shall do and perform all duties imposed upon him by ordinances of the City and by this Charter.

SECTION 14. (As amended 1941) It shall be the duty of the Municipal Judge to hold daily terms of Court in the City Court Room or such place as may be designated by the City Council for the trial of all persons charged with violation of any of the ordinances of the City, which trial shall be without jury, and upon conviction of such person or persons, to impose upon him or them, such penalty as may be provided by such ordinances; and a sworn or verified complaint shall not be necessary to give the Municipal Court jurisdiction of offenses triable in that Court but the accused may be tried of the offense as docketed, provided such docket entry is sufficient to put the accused upon notice of the offense of which he is charged. He shall have the power to summons witnesses, issue warrants for arrest upon affidavit duly filed, to administer oaths and do all other acts necessary for the performance of his duties. He shall have also power to punish for contempt of Court by a fine not exceeding \$50.00 or imprisonment not exceeding thirty (30) days, or both. The costs of prosecution in said Court shall be the same as are allowed by law in Criminal Courts of Record being taxed against persons convicted, and collected by the City Clerk, to be paid over by him to the City Depository and placed to the credit of the Police Fund.

The City Manager shall have the power to appoint by and with the consent of the City Council, an Associate Municipal Judge, who shall have all the powers and perform all the duties of the Municipal Judge in case of sickness, absence or disqualification of the Municipal Judge. The City Clerk or duly authorized Deputy shall act as Clerk of the Municipal Court.

SECTION 15. (As amended 1943) There shall be appointed by the City Manager, by and with the consent of the City Council, or elected by the City Council under the conditions and in the manner set forth in Section 13 hereof, an assessor of taxes who shall be designated the "City Assessor" and whose duties shall be such as are fixed by ordinance and by this Charter.

SECTION 16. (As amended 1943) There shall be appointed by the City Manager, by and with the consent of the City Council, or elected by the City Council under the conditions and in the manner set forth in Section 13 hereof, a City Clerk whose duties shall be such as are fixed by ordinance and by this Charter. He shall be the Clerk of the Municipal Court

and shall have authority to administer oaths and to issue warrants, upon affidavit duly filed, for the arrest of persons violating ordinances of the City.

The City Clerk may appoint a deputy, or deputies, for whose acts he shall be liable, and the said deputy, or deputies, shall have and exercise the same powers as the Clerk himself.

SECTION 17. (As amended 1943) There shall be appointed by the City Manager, by and with the consent of the City Council, or elected by the City Council under the conditions and in the manner set forth in Section 13 hereof, a Tax Collector whose duties shall be such as are fixed by ordinance and by this Charter.

The Tax Collector shall have authority to appoint a deputy, or deputies, for whose acts he shall be liable, and the said deputy, or deputies, shall have and exercise the same powers as the Tax Collector himself.

SECTION 18. (As amended 1943) There shall be appointed by the City Manager, by and with the consent of the City Council, or elected by the City Council under the conditions and in the manner set forth in Section 13 hereof, a City Marshall or Chief of Police, whose duties shall be such as are fixed by ordinance and by this Charter.

SECTION 19. (As amended 1923) In the event of the offices of City Clerk, or City Marshal being combined with any other office, the appointment for these offices shall be as are now or may hereinafter be prescribed by ordinance and by the terms of this charter.

SECTION 20. (As amended 1943) There shall be appointed by the City Manager, by and with the consent of the City Council, or elected by the City Council under the conditions and in the manner set forth in Section 13 hereof, a City Auditor, whose duties shall be such as are fixed by ordinance and by this Charter. He shall submit to the City Council, whenever required, a full and complete statement of all receipts and disbursements of the City since the date of the City's last financial statement, and he shall also prepare and submit to each member of the City Council, at the first regular meeting of each month, a statement showing the amount of the expenses of each City Department for the preceding month, together with the amount allowed to each department when the annual budget was made. The office of City Auditor may be combined with that of City Clerk, City Assessor or City Collector.

SECTION 21. There shall be elected by the City Council of the City of Miami Beach, a City Attorney, who shall perform all the duties imposed upon him by the provisions of this Act and which are now prescribed or which may be hereafter prescribed by the City ordinances.

SECTION 22. The City Council shall have full power and lawful authority to provide for a fire department, and shall also have full power and lawful authority to establish an office to be known as the Chief of the Fire Department. In the case such office shall be created, the duties, powers and compensation of such Chief of the Fire Department shall be fixed by the City Council, and the City Council shall have full power and lawful authority to employ such additional members of the Fire Department as they may deem advisable, and to take such other steps as may be necessary for the purpose of protecting the property within the corporate limits from destruction by fire.

SECTION 23. (As amended 1943) All officers of said City shall, before entering upon the discharge of their duties, take and subscribe an oath before some person authorized to administer oaths, that they are entitled to hold the office to which they have been elected and appointed and all officers of said City, except members of the City Council, shall give bond in such sum and with such sureties, as may be required and approved by the City Council, conditioned upon the faithful performance of the duties of their respective offices.

All officers appointed or elected as provided in this Act, except those Councilmen who may be elected for a four-year term as in this Charter provided, shall hold office until the next ensuing City election or until their successors are duly appointed or elected and qualified.

The compensation of all City Officers shall be fixed by ordinance.

SECTION 24. (As amended 1935) The Mayor, and after the office of Mayor, as it now exists, shall be abolished, the City Manager, of said City, shall have the right to suspend any officer, policeman or fireman of said City, except members of the City Council; provided, that at the next meeting of the City Council after such suspension there shall be submitted to the City Council, in writing, the cause of such suspension, whereupon the said City Council may inquire into the cause of such suspension; if a majority of the City Council shall sustain the charges proffered, the officer, policeman or fireman shall be dismissed, otherwise he shall be reinstated. The Mayor, and after the office of Mayor, as it now exists, shall be abolished, the City Manager, shall have the right to appoint some person to perform the duties of said suspended officer, policeman or fireman, until the City Council shall have passed upon such suspension. If such suspension is sustained by the City Council a successor shall be appointed and confirmed or elected as herein provided.

The City Council shall also have the right by resolution adopted by the favorable vote of at least five members, and without action on the part of the Mayor or City Manager, to summarily remove from office any City officer, policeman, fireman or employee, except the Mayor or members of the City Council.

SECTION 25. The City Marshal or any policeman of the City of Miami Beach may arrest without warrant, any person violating any of the ordinances of the City committed in the presence of such officer, and when knowledge of the violation of any ordinance of said City shall come to the said City Marshal or policeman, not committed in his presence, he shall make affidavit before the judge or clerk of Municipal Court against the person charged with such violation, whereupon said judge or clerk shall issue a warrant for the arrest of such person.

SECTION 26. (As amended 1943) No ordinance giving or granting any franchise or right to the use of any street or public way for the purpose of operating along, across, over or under the surface of same, any street railroad, water works, telephone, gas, or electric business, or other business requiring the use of mains, pipes, wires, or conduits, in, on, over, or under any street or other public way, shall become a law until the same has been approved by a majority of the qualified voters of the City of Miami Beach voting thereon at a general election or at a special election held for such purpose; provided, however, that ordinances providing for revocable permits, for periods of not over one year, to operate taxicabs, buses, and similar means of transportation over the surface of the streets, may become laws without such approval.

All ordinances of the City of Miami Beach, after having been passed by the City Council, shall before becoming a law, be posted in three conspicuous places in the City of Miami Beach, one of which shall be at the City Hall or at the door of the building used for City Hall purposes, for a period of thirty (30) days; Provided, however, that nothing herein contained shall prevent the City Council at any time from appointing some person or persons and authorizing him or them to arrange, codify, add to and supplement the ordinances of the City of Miami Beach, and publishing such ordinances in an appropriate volume or volumes, which said ordinances when so published under the direction of the City Council, as aforesaid, shall become the laws of the City of Miami Beach upon its or their adoption by ordinance, which said ordinance so passed, publishing and adopting said City code, shall be posted as hereinbefore provided, and in such event it shall not be necessary to post said code, codification, volume or volumes, but the posting of the ordinance adopting the same shall be sufficient to make the ordinance contained in said code binding as the law of said City. In the event, however, of the publication of said code, as aforesaid, a sufficient number of copies shall be published to furnish the Municipal Judge, the City Attorney, and each member of the City Council with a copy thereof, and so many additional copies as the City Council may deem proper.

PROVIDED, that upon the presentation to the City Council of a petition or petitions signed by the qualified electors therein, in number equal to ten (10) per cent of the registration asking for a submission to the electors of a measure fully set forth in said petition or petitions, being a measure that said body might itself adopt, it must either adopt such measure without alteration or submit the same to its electorate at the next succeeding City election occurring subsequent to sixty days after the filing of said petition or petitions. But, if said petition or petitions are signed by qualified electors in number equal to fifteen per cent (15%) of said registration, then such measure, if not so adopted by the said City Council, must be submitted to such electorate at a special election to be called within sixty days from the filing of such petition or petitions. If such proposed measure is a measure that the City Council might adopt except for the fact that it involves the repeal or the amendment of a measure adopted by the electorate as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to twenty-five (25) per cent of said registration, then such proposed measure must be submitted to the electors of said City at the next succeeding City election occurring subsequent to sixty days after the filing of said petition or petitions.

Any measure that the said City Council or the electorate of the City has authority to adopt, as herein provided, said City Council may submit to a vote of its constituent electors at a general or special election. Except as herein provided, no penal ordinance or measure and no ordinance or measure granting, making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessments and contracts where the subject matter involved is less than One Thousand (\$1,000.00) Dollars, passed by the said City Council), shall go into effect in less than forty (40) days after its final passage, but ordinances and contracts declared by the City Council to be necessary for the immediate preservation of the public peace,

health or safety, passed by a majority vote of the said Council, and not obligating the City for a longer period of time than one year, may go into effect at the will of the City Council adopting the same.

If within said forty days a petition or petitions signed by qualified electors of the City in number equal to ten (10) per cent of said registration is filed with the City Clerk asking that any penal ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment and contracts where the subject matter involved does not exceed One Thousand (\$1,000.00) Dollars, adopted by the City Council) be submitted to said electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next succeeding City election occurring subsequent to sixty (60) days after the filing of said petition or petitions, or at a special election called prior to such general election, and if such ordinance or measure has not gone into effect before the filing of such petition or petitions and such petition or petitions are signed by qualified electors of the City in number equal to fifteen (15) per cent of said registration, then said ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted except by a vote of the City Council or on a petition signed by twenty-five (25) per cent of the said registration.

If the majority of votes cast on an ordinance or measure, referred, as herein provided, to the electors of the City shall be in favor thereof, it shall, if not already in effect, go into effect ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected. Such repeal shall take effect ten days after the official count shall be determined.

No ordinance or measure approved by an electorate under the provisions of this section shall be subject to veto or to be amended or repealed except by a vote of the same electorate or by legislative authority. If the provisions of two or more measures approved and adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Any member of the Council may be recalled and removed therefrom by the electors of the City as herein provided.

Any twenty-five qualified electors of the City may make and file with the City Clerk an affidavit containing the name or names of the Councilman or Councilmen whose removal is sought and a statement of the grounds for removal. The Clerk shall thereupon prepare petition blanks for such removal on printed forms which he shall keep on hand. The petition must be signed before the City Clerk or his deputy, at the City Hall, and not elsewhere, by registered voters of the City to the number of at least ten per cent (10%) of the number of electors who cast their votes at the last preceding general City election, and to every such signature shall be added the place of residence of the signer, giving the street number or other description sufficient to identify the place.

The recall petition, to be effective, must be completed within thirty (30) days after the filing of the affidavit. No person shall be eligible to sign more than one recall affidavit during any period of twelve months.

After the Clerk is satisfied that the required number of registered voters have signed the petition, in accordance with the foregoing provisions, and after he shall have been notified that those originally filing the affidavit consider the petition sufficient and are ready to have it submitted to the City Council, said notification being in writing and signed by at least ten of the original twenty-five qualified electors who filed the affidavit, the Clerk shall submit the petition to the City Council at its next regular meeting, together with his certificate showing that the petition has been signed by the requisite number of registered voters.

The Council shall thereupon, within ten (10) days of the receipt of the Clerk's certificate, order an election to be held not less than thirty (30) days nor more than forty-five (45) days thereafter. PROVIDED, that if any other municipal election is to occur within sixty (60) days after the receipt of said certificate, the Council may in its discretion provide for the holding of the removal election on the date of such other municipal election.

Unless the Councilman or Councilmen whose removal is sought shall have resigned within ten (10) days after the receipt by the Council of the Clerk's certificate, the form of ballot at such election shall be as nearly as may be: "Shall A be recalled?" "Shall B be recalled?", etc., the name of the Councilman or Councilmen whose recall is sought being inserted in place of A, B, etc., and the ballot shall also contain the names of the candidates to be elected in place of the Councilman or Councilmen recalled, as follows: "Candidates for the place of A, if recalled; candidates for the place of B, if recalled", etc., but the Councilman or Councilmen whose recall is sought shall not themselves be candidates upon such ballot. The name of any elector of the City shall be printed as a CANDIDATE FOR COUNCILMAN at such recall election for the place of the Councilman to be recalled when a petition in substantially the form provided in Section 312, Compiled General Laws of Florida, 1927, shall be filed in his behalf with the City Clerk, and such petition shall have been signed by at least twenty-five registered voters in the municipality and filed with the City Clerk not less than twenty (20) days before such recall election.

In case a majority of those voting for and against the recall of any Councilman shall vote in favor of recalling such official he shall be thereby removed, and in that event the candidate who receives the highest number of votes for his place shall be elected thereto for the balance of the unexpired term.

If the Councilman or Councilmen sought to be removed shall have resigned within ten (10) days after the receipt by the Council of the Clerk's certificate referred to in this section above, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

Should the Council fail or refuse to order an election as herein provided within the time required, such election may be ordered by any State Court of general jurisdiction.

SECTION 27. (Repealed 1943)

SECTION 28. (As amended 1933) That the City Council shall have the power to make, establish and ordain for the government of said City and the officers of said City, such ordinances in writing and such by-laws and rules of order not inconsistent with this charter, the Constitution and laws of the United States, as they may deem necessary; provided, a majority of the City Council shall assent thereto. They shall have the power to pass all such ordinances, and prescribe penalties for the violation thereof, as may be necessary to define, prevent or abate nuisances; to restrain and punish gambling or other disorderly conduct; to prevent the running at large of cattle, horses, dogs, hogs, sheep, goats and fowls or other domestic birds, in the streets of the City or in the City limits, and to impound same; to prohibit the erection of buildings, docks, and other structures, except bridges, upon the submerged lands within the limits of the City, unless such submerged lands shall have first been filled in and a permit shall have been granted by the City to make such fill; to provide for the establishment of waterworks, electric and other lighting and heating plants, and all other plants necessary for the City, and may make contracts relating to the same, and whenever the same are so established, may provide for the operation and maintenance of same; to grant municipal franchises to erect railways, telegraph and telephone companies; to regulate the speed at which horses and bicycles may be ridden; to regulate the speed at which horses and vehicles of all kinds, automobiles and motorcycles may be driven through the streets, or public highways; to regulate the speed at which street or other railways shall be run in the City limits; to regulate air traffic over any portion of the City; to license privileges, business, occupations and professions carried on and engaged in within the City limits, and the amounts of such licenses and the amount of such license taxes shall be fixed by City ordinance, which amounts of said taxes shall not be dependent upon a general State revenue law.

(b) The City Council shall have power to prohibit by ordinance the traffic in or sale of intoxicating liquors, wines and beers within the City, and to enforce such ordinances by fines and imprisonment, or by both fine and imprisonment.

(c) The City Council shall have the power to pass all such ordinances as may be necessary to establish quarantine and health regulations for the City of Miami Beach, not inconsistent with the rules and regulations of the State Board of Health, and enforce same by penalties. To arrange for, provide and establish a City Board of Health. The City Board of Health shall have the general supervision of the public health of the City of Miami Beach, and shall have the power to make, promulgate and enforce such rules and regulations as may be necessary for the preservation

of the same, not inconsistent with this charter or in violation of any of the ordinances of the city.

(d) To arrange for and provide for a fire department and to regulate the same so as to protect the city from fire; to organize a city police department, to number drays and fix the rate of drayage; to provide for the inspection of gas, electric light and water meters; to pass and enforce ordinances; to compel the engineers of stationary and portable steam and gas engines to pass an examination for licenses and to take out licenses and provide penalties for failure so to do; to compel the inspection of steam boilers except locomotives and marine boilers and to compel employers to employ only licensed engineers and affix a penalty for a failure to do so; to compel employers, their managers or servants to allow inspection of boilers and of affixing a penalty for refusing to do so; to establish hospitals, and with or without the conjunction of the Board of County Commissioners, to establish rules and regulations respecting the poor, indigent, infirm and insane; to provide for the support and fix the conditions upon which such persons coming into said City shall be allowed to remain; to provide for the punishment of persons who may at any time disturb the peace of the city, or violate any of its ordinances, or any of the rules and regulations of the State Board of Health, or the City Board of Health; to provide for the inspection and regulate the sale of milk, meats and fish; to fix and regulate from time to time the salaries of the officers and employees of the city, except as herein otherwise provided; to compel property owners or occupants to connect with the city sewers, and do or regulate any other matter or thing that may tend to promote the health, welfare, prosperity and morals of the City; to prohibit and suppress all bawdy houses and disorderly houses; and any exhibition, show, circus, parade or amusement contrary to good morals; to prohibit and suppress all obscene pictures and literature; to regulate, restrain and prevent the carrying on of manufactures dangerous or increasing or producing fires, and license the sale of firearms; to regulate the storage of gunpowder, tar, pitch, resin, saltpeter, coal oil, kerosene, gasoline, or other combustible, explosive or inflammable material; to regulate the use of lights, candles, lamps and steam pipes in all stables, shops and places of business; to regulate and suppress the sale and use of firecrackers and other fireworks, toy pistols, air guns and sling shots.

(e) To provide for and regulate the inspection of beef, pork, flour and meal and all other provisions and oils, and to regulate traffic on waters or waterways.

(f) To regulate the inspection of butter and lard; to regulate the testing of meats, poultry, fish, fruit and vegetables.

To provide for inspecting and regulating the sanitary condition of all dairies, butcher pens and slaughter houses, where the products are sold within the city limits, and to provide penalties for violating such regulations.

(g) To establish, maintain and regulate markets, to provide for the arrest, imprisonment and punishment of all vagrants and all riotous and disorderly persons within the city by day or by night and for the punishment of all breakers of the peace; to provide for the dispersion of all disorderly assemblies on Sundays or secular days; to pass all ordinances necessary to the health, convenience, comfort and safety of the citizens, and to carry out the full intent and meaning of this act; to accomplish the objects of its intended corporation to impose penalties for the violation thereof.

(h) To impose penalties on the owners, occupants, or agents of any walks, or sidewalks, or any other structure or place, or any other place which may be dangerous or detrimental to the citizens or their property, unless after due notice the same may be remedied or removed. To provide for the enclosing, improving and regulation of public grounds, belonging to the city within or without the corporate limits; to provide for the imprisonment of offenders against the ordinances at hard labor on the streets or other work to be designated by ordinance, unless the fines and costs attached against them by judicial authority are paid.

(i) The Council shall determine by ordinance the amount to be credited to such persons on account of fine and costs for each day's work performed. The City Council shall have power by ordinance to appropriate money for the payment of debts and expenses of the city and also the debts of the municipal corporation of which said City of Miami Beach is successor, under this Act. Provided, that no costs in criminal prosecutions shall be taxed against the city or paid by the City Council.

(j) To license, control, tax and regulate traffic and sales upon the streets, sidewalks and public places within the City and to regulate, suppress and prohibit hawkers and vendors upon such streets, sidewalks and public places; and to license, and cause to be registered, and control, tax, regulate, or to prohibit in designated streets, or parts of streets, carriages, omnibuses, motorbuses, cars, wagons, drays, jitney buses and other vehicles; and to license, tax, and cause to be registered and control the drivers thereof and to fix the rate to be charged for the carriage of persons and property within the city and to the public works beyond the limits of said City; to make and promulgate regulations for traffic on the streets, or parts of the streets, during such hours as may be necessary or convenient, and to provide for parking spaces on the streets, and to, at any time, discontinue the right to the use of such parking spaces and to regulate or vacate or discontinue the use of the same; and to require all vehicles for the carriage of persons for hire to execute a bond to be conditioned as required by ordinance for the protection of passengers and of the public, and to make such bond inure to the benefit of persons or property which may be injured or damaged by the operation of such vehicles for hire; and to require such bond with such surety to be furnished by all vehicles for hire operating upon the streets of the City of Miami Beach whether such operation be wholly within the limits of the City of Miami Beach or between the City of Miami Beach and other cities and towns or places outside the City of Miami Beach.

(k) (As amended 1945) All vacancies in terms occurring in the City Council shall be filled by the vote of a majority of the remaining members of said City Council but if the remaining members shall fail or refuse to fill such vacancy within thirty days after it occurs and if no general City election will be held within ninety days after the expiration of said thirty days then a Special Election shall be called and held to elect a Councilman to fill such vacancy, provided, however, that in no event shall the term of office of a person so appointed or elected to fill a vacancy extend beyond the qualification of a successor who shall be elected at the next ensuing general City election.

The City Council shall be the judge of the election and return of its own members and shall prescribe rules for the determination of contested elections and rules and regulations for the Government of its own members.

(l) The City Council shall have the right to prescribe penalties for breaches of all or any of its ordinances or any sections thereof by fines and imprisonment in the city jail, and to force the collection of fines by attachment

primarily against the property of the delinquent, if the same can be found, provided, that the penalty enforced shall in no case exceed imprisonment for ninety (90) days or of a fine of two hundred (\$200.00) dollars. It shall have power to remit fines and commute sentences imposed by the Municipal Judge, and in addition to the powers hereinbefore enumerated, the City Council shall have all the powers and perform all the duties imposed upon them by the laws of Florida now in force, or which may be hereafter enacted, provided for the government of cities and town, not inconsistent with the provisions of this Act; and the Mayor, Municipal Judge, Chief of Police, Clerk and Collector, Assessor, and other officers, shall have all the powers and perform all the duties imposed upon them by general law.

(m) The City Council shall have the power to fix and establish a fire limit within said City, and to prescribe rules and regulations for the erection and repair of buildings in said city; provided that the fire limit as established in the municipality to which the municipality hereby organized is a successor, shall not be decreased except by the unanimous consent of all persons owning property in any block to be taken from such fire limits. The City Council shall also pass such ordinances as may be necessary to protect and preserve peace and order upon all property owned, leased, managed or controlled by said city outside of the city, and enforce the same by penalties.

(n) The City Council shall have power to equalize tax assessments, for raising or lowering tax assessments, and shall sit as a Board of Equalization; to have exclusive power and control of the construction, lighting, repair, grading and improving of all streets, alleys, avenues and lanes, public wharves, landings, market houses, spaces, bridges, bulkheads, sewers, trenches, ditches, culverts, canals, streams, water courses, dock-lines, and the location of such dock-lines, sidewalks, curbing, public buildings and to fix and establish the grades of all highways, streets, parks, parkways, avenues, alleys and thoroughfares.

(o) The City Council shall furthermore have full power and lawful authority to lay out public streets, parks, sidewalks and thoroughfares over, upon and across any Ocean Beach Property within the City of Miami Beach, between the high water mark and the low water mark; to fill in, excavate, level, develop and improve such beach properties.

(p) To build boardwalks and concrete walks, piers, docks, wharves, pavilions and bathhouses over, upon and across such beaches, extending into or over the waters of the Atlantic Ocean for business, amusement or recreation purposes.

(q) Said City Council shall have exclusive power, supervision and control over the construction and repairing of all public improvements of the city. The City Council shall have power to enact ordinances requiring all able-bodied male persons, over the age of twenty-one years and under the age of fifty-five years, residing within the city limits, who do not pay taxes to the city, whether by license or taxes on real or personal property, to pay a street tax to the amount of three (\$3.00) dollars each, and all such persons who pay such taxes to the city but not amounting in the aggregate to the sum of three (\$3.00) dollars, may be required to pay to the city for street tax the amount of such deficiency; said taxes to be collected and placed to the credit of repairs and internal improvements fund. The failure or refusal to pay such street tax, or fractional part thereof as aforesaid, is hereby declared to be a misdemeanor, and upon conviction before the Municipal Court, such person or persons so in default shall be fined the amount of such street tax or deficiency with costs or by imprisonment in the city jail for not more than ten (10) days; provided, any person convicted under any ordinance passed

by virtue hereof, shall have the privilege of paying such fine and costs by work on the city streets under the supervision of the street superintendent, at the rate of one (\$1.00) dollar per day.

(r) The City Council shall have power to open, widen, light, grade, pave, repair and otherwise improve streets, alleys, avenues, boulevards, lanes and other public highways, and to construct storm sewers, sanitary sewers and other drains and sewers within and under any street, alley, avenue, lane or other public highway; to purchase, lay out and improve parks and parkways; to construct bulkheads; to construct or purchase a telephone system, and works for supplying said city and its inhabitants with water, ice, gas for illuminating and heating purposes, and electric energy for illuminating, heating or power purposes; to build suitable service or connecting apparatus between all or any real estate within the city and any sewer or drain, or any subterranean conduit, pipe or duct for the supply of gas, electric energy, or water, owned or operated or about to be constructed by the city in front of such premises; to erect or purchase a city hall, hospitals for the cure or detention of the sick, jails, market houses or other buildings for municipal purposes, and to equip and furnish the same; to erect bridges, culverts and viaducts over any waterway, railroad track or other depression in or under any street, boulevard, avenue, alley, lane or other public highway; to construct tunnels under any waterway or railroad; to construct or purchase any street or local railway for the transportation of passengers or freight; to construct ship channels, canals, basins and waterways within the city or into or through any part of the Bay of Biscayne, the Atlantic Ocean, and any harbors within the city limits for such width and length and for such depth as the City Council shall deem necessary or convenient for the use of shipping; to contract with the Government of the United States for the aid of the government in any such work, or for the giving of aid by the City to the government for any such work done, or to be done, by the government; to construct or acquire wharves, docks, warehouses, and other properties within or without the city limits, deemed by the Council to be necessary or convenient for the use of shipping; to acquire all lands, submerged lands and riparian rights deemed necessary for any of the foregoing purposes, or for any municipal purpose.

(s) In addition to its powers of eminent domain under other laws of the State, the City Council shall have power in carrying out any of the authority herein given to condemn any water, ice, gas, power or light plant, telephone system, or street or local railway, ship channel, canal, basin, waterway, wharf, dock, warehouse, lands, submerged lands, riparian rights or building, or any thereof, or any part thereof, with any and all franchises, rights and easements thereunto belonging or appertaining by proceeding in the manner provided in the laws of Florida for the exercising of the right of eminent domain.

(t) The City Council shall have power to operate, maintain, repair and extend any and all of its municipal properties.

(u) The City Council shall have power to make a contract with Dade County, or with any person, firm or corporation, by which a portion of the cost of any municipal improvement to be owned by the city shall be borne by such contracting party, upon such terms as to payment and otherwise as the Council may determine.

(v) The City Council shall have authority to destroy surplus privies and cesspools or other forms of receptacles for sewage, other than the sanitary service sewers, and power to compel property owners to connect their premises with service sewers, and in case of their refusal after notice given, to authorize such connection to be made by the city, and to fix a lien upon such premises for the

cost thereof, of the same nature and to the same extent as the lien for taxes; the city may collect such charge of lien in the same manner in which city taxes are collected.

(II) The City Council shall have power and authority:

(a) To establish, impose and enforce water rates and rates and charges for gas, electricity and all other public utilities or other service or conveniences operated, rendered or furnished by the City or by any other person, persons, firm or corporation.

(b) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.

(c) To establish reasonable standards of service and quality products and prevent unjust discrimination in service or rates.

(d) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility; but if a public service commission or any other authority shall be given the power by law to prescribe the form of accounts for public utilities throughout the State, the forms so prescribed shall be controlling so far as they go, but the City Council may prescribe more detailed forms for the utilities within its jurisdiction.

(e) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

(f) (As amended 1941) In addition to the powers above granted, the City Council of said City shall have power and authority to acquire by purchase, lease, or otherwise; improve, maintain, and/or operate lands for the parking or storage of automotive vehicles; to operate same, making charges therefor, and to lease to, or contract with, others for the operation thereof, said lands for said purposes. On account of traffic conditions in said City and other good and sufficient reasons, the parking and/or storage of automotive vehicles within said City is hereby declared to be a municipal purpose.

(III) In addition to the powers above granted, the City Council shall have all powers and privileges not inconsistent herewith, granted to the City Council of cities and towns by the general laws of the State of Florida, and shall have power to do and perform all things necessary for the government of the city not inconsistent with the Constitution and laws of the United States the Constitution of the State of Florida, and the terms and provisions of this Act.

SECTIONS 29 and 30. (As amended 1943) The City Council is hereby authorized and empowered in the manner here-
in provided to cause any waterway within said City to be bulk-headed; to cause groynes or jetties to be constructed along the shore and into the Atlantic Ocean to protect the main land from the effects of tides and winds; to cause board-walks or other walks or seawalls to be constructed in its public parks and upon or along any property of said City, or in which it has a perpetual easement, or which is dedicated to said City or the public along or near the shore of the Atlantic Ocean; to cause any and all highways, by whatever designation they may be known, or any part thereof, to be lighted, graded, paved, repaved, macadamized, remacadamized and to cause curbs and gutters to be constructed thereupon, and sanitary sewers, storm sewers and other drains to be laid or constructed in any such highway, or part thereof, and/or in any right of way or easement granted to or acquired by said City or any dedicated way, and to provide for the payment of the cost thereof.

(b) In this Section certain words and phrases will be used with the following meanings, unless other meaning is plainly intended

The main divisions of this Section are sometimes herein termed paragraphs, and the divisions of paragraphs are sometimes herein termed sub-paragraphs.

A local improvement is an improvement defined by this Section and made under the provisions thereof.

The word City Council shall be deemed to refer to the City Council of the City of Miami Beach.

A highway is a public way, embracing a street, boulevard, avenue, lane, alley, parkway, court, terrace and place, but not embracing a sidewalk.

A sidewalk is a path for pedestrians along a highway.

A storm sewer is a conduit above or below the ground, for the passage of storm water, and may embrace a pumping station and outlet where deemed necessary, and may also embrace the building of culverts over or enclosing of streams where necessary or advisable to carry off storm water.

A sanitary sewer is an underground conduit for the passage of sewage and may embrace a pumping station and outlet where deemed necessary.

A curb sewer is a sanitary sewer at or near a curb instead of at or near the middle of a highway.

A lateral is a pipe connecting a sewer main with the line of adjacent property or the curb line, as the City Council may prescribe, being either a sewer lateral or a water lateral, but does not include a building connection, that is, a pipe extending from a lateral at the property line or curb line to the house or plumbing fixture on the property.

An easement is a right of way granted by one or more property owners to or acquired by the City of Miami Beach, granted or acquired for use in laying, constructing and maintaining sewers, conduits, drains, groynes, seawalls, board or other walks and shall include easements created by dedication.

A white way light is a system of ornamental posts and ornamental lamps with connections for supplying electric energy therefor.

A groyne or jetty is a structure extending from the main land into water to prevent the washing away of land or to regulate accretion.

A seawall is a structure to prevent the over-flow of water and damage to land or other property.

Improvements authorized to be made under the provisions of this Act are divided into six classes, as follows:

Class 1. Highway Improvements embrace the grading, paving, re-paving, macadamizing and remacadamizing of highways with necessary drainage, sewer inlets, manholes and catch basins, and, if the City Council so orders, may embrace curbs and gutters.

Class 2. Sidewalk Improvements embrace grading and construction of sidewalks, and, if the City so orders, may embrace curbs and gutters.

Class 3. Sanitary Sewers embrace the construction of sanitary sewers, the re-laying, where necessary, of streets and sidewalks necessarily torn up or damaged and, if the City Council so orders, the laying of sewer laterals as a separate improvement or as a part of the main improvement.

Class 4. Storm Sewer improvements embrace the construction of storm sewers, the re-laying, where necessary, of streets and sidewalks necessarily torn up or damaged, and, if the City Council so orders, the laying of sewer laterals as a separate improvement or as a part of the main improve-

ment. Storm sewer improvements may also embrace the building of culverts over or enclosing of streams where necessary or advisable to carry off storm water. The word "sewer" includes both sanitary and storm sewers unless a contrary intention is shown.

Class 5. Water front improvements embrace the construction of bulkheads, seawalls and other retaining walls along a bay, creek, canal or lake, and the construction of groynes or jetties or seawalls along the shores of the Atlantic Ocean with necessary fills and dredging, and said water front improvements may embrace the acquisition by purchase, condemnation or otherwise of land rights and easement therefor.

Class 6. Board or other walks embrace the construction of any kind of walk or promenade in public parks or in or on an easement along or near the shore of the Atlantic Ocean and may embrace the acquisition by purchase, condemnation or otherwise of land rights and easements therefor.

Class 7. White way lights embrace the purchase and erection of ornamental posts and lamps with connections necessary for lighting highways and relaying, where necessary, of streets and sidewalks necessarily torn up and damaged.

Incidental expense embraces the following items, including reasonable sums paid or credited to the City, or any Department thereof, for services rendered by any Department or officer or clerk thereof in connection with any such items:

Preliminary and other surveys.

Inspection and superintendence of work.

Preparation of plans and specifications and estimates.

Printing and publishing of notices and proceedings.

Preparation of bonds.

Interest during construction.

Legal services, abstracts, etc.

Any other expense necessary or proper in conducting the proceedings and work herein provided for.

Railroad includes all forms of transportation by rail not owned by the City, whether propelled by electric, gasoline or steam power.

(c) The City of Miami Beach is authorized to make local improvements and provide for paying the cost thereof as herein provided.

(d) The initial proceedings for local improvements hereunder shall be the passage at a regular or special meeting of the City Council of a resolution ordering the same to be made under this Section, indicating the location by terminal points and route, either giving a description of the improvements by its material, nature, character and size, or giving two or more such descriptions with the direction that the material, nature, character and size be subsequently determined in conformity with one of such descriptions. A single resolution may embrace one improvement only, or one improvement of each of two or more classes of improvements. An improvement need not be continuous and may be in more than one locality or highway or easement, but highway, sidewalk or easement improvement shall be practically uniform in cost and kind throughout the improvement, and a sanitary sewer improvement shall not provide for a curb as a part of the

improvement, and a sewer at or near the middle of a highway as another part. Nothing herein shall prevent the City Council from excluding from any highway improvement that portion of the highway which has been improved by any railroad, or any portion which the City may, under the franchise or contract with such railroad, require it to improve. If the resolution shall order a waterway or storm sewer improvement, or groyne or jetty improvement, or board or other walk improvement, or bulkhead improvement, it shall designate the property which the City Council deems will be especially benefited thereby, and, if any of said improvements be ordered and a proportion of the cost thereof is to be borne by the City at large the resolution shall indicate such proportion, and the proportion thereof which shall be especially assessed. A resolution may give any sure and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement shall be designated as a district, followed by a letter or number or name to distinguish it from other districts, after which it shall be sufficient to refer to such improvement and property by such designations in all proceedings, assessments and bonds, except in the notice provided by paragraph F of this Section.

(e) As soon as may be after the passage of said resolution the City Engineer, or such other officer or officers as the City Council may designate, shall prepare and file with the City Clerk plans and specifications of each improvement ordered thereby and an estimate of the cost thereof including an estimate of the cost of each kind of improvement, if the resolution provided alternative descriptions of material, nature, character and size, which estimates shall show the estimated amount of cost and incidental expense to be assessed against property, and except in case of improvements the cost of which, or part thereof, is to be assessed against an area deemed especially benefited thereby, the estimated amount to be assessed against each front foot of abutting property.

(f) The City Clerk upon the filing with him of such plans, specifications and estimates shall post or cause to be posted at the door of the City Hall in the City of Miami Beach, and in at least two other public places in the City of Miami Beach, or to be published at least once in a newspaper of general circulation in said City, a notice stating that at a meeting of the City Council on a certain date and hour, not earlier than ten days from such publication or posting, the City Council will hear the objections of all interested persons to the confirmation of said resolution, which notice shall state in brief and general terms a description of the proposed improvement, with the location thereof, and shall also state that plans, specifications and estimates of cost thereof are on file in the office of the City Clerk.

(g) At the time named in said notice, or to which an adjournment may be taken, the City Council shall receive any objections of interested persons, and may then or thereafter repeal or confirm said resolution with such amendments, if any, as may be desired by the City Council and which do not change in any way the location of improvement or improvements, provided, however, that such resolution shall not then or thereafter be confirmed if it contains items which cannot be properly charged to the property owners, or if it is, for any default or defect in the passage or character of the resolution or estimate, void or voidable, in whole or in part, or if it exceeds the power of the City Council.

(h) Within ten days after such confirmation, the resolution confirming same, together with the estimates submitted, shall be recorded by the City Clerk in a special book to be kept for that purpose, which book shall be known as Improvement and Assessment Book, and which book shall give the description by lot and block number, or by metes and bounds, of the pieces of property affected thereby, together

with the estimated amount per front foot assessable against each lot or portion thereof, except in case of improvement the cost of which, or part thereof, is to be assessed against an area deemed especially benefited thereby, in which case there shall be given the estimated amount per square foot or the estimated amount, which abuts upon or is benefited by the improvement or assessment, which said book shall be ruled in such a way that any person can readily ascertain the assessment against any piece of property affected, and it shall not be necessary to record the same in the minutes of the meeting of the City Council in such meeting.

(i) All objections to any improvement resolution on the grounds that it contains items which cannot be properly charged to the property owners or that it is, for any default or defect, in the passage or character of the resolution or estimate, void or voidable, in whole or in part, or that it exceeds the power of the legislative body of the municipality, shall be made in writing, in person or by attorney, and filed with the City Clerk at or before the time or adjourned time of such hearing. Any objections made against the making of an improvement not so made shall be considered as waived, and if any objection shall be made and over-ruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented, unless proper steps shall be taken in a court of competent jurisdiction to secure relief within ten days.

(j) On or after the date of confirmation of any such resolution ordering work to be constructed the City Clerk shall post or cause to be posted at the door of the City Hall in said City, and in at least two other public places in said City, or to be published at least once in a newspaper of general circulation in the City, and if the estimated cost exceeds Five Thousand Dollars, in a newspaper of general circulation in Dade County, Florida, a notice calling for sealed bids to be received by the City Council on a day not earlier than fifteen days from the first posting or publication for the construction of the work, unless in such resolution the City Council shall have declared its intention to have the work done by the City Forces without contract. The notice may refer in general terms to the extent and nature of the improvement or improvements, and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution shall have given two or more alternative descriptions of the improvement as to its material, nature, character and size, and if the City Council shall not have theretofore determined upon a definite description, the notice may call for bids upon each of such descriptions. No contractor shall be required to take bonds, warrants or certificates in payment, but payment may be made in cash upon monthly estimates of the City Engineer to the amount of Ninety per cent of such estimates, and the balance due shall be paid in cash within sixty days after acceptance of the work and said notice may state such conditions as to payment. Bids may be requested for the work as a whole or for any part thereof separately, and bids may be asked for anyone or more improvements offered by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. The notice may require bidders to file with their bids a certified check on an incorporated bank or trust company for two and one-half per cent of the amount of their respective bids, to insure the execution of a contract to carry out the work in accordance with such plans and specifications, and to insure the filing at the making of such contract of a bond in the amount of the contract price, with sureties satisfactory to the City, conditioned for the performance of the work in accordance with said contract. The City Council shall have the right to reject any or all bids, and if all bids are rejected, the City Council may readvertise for all or a part of such work, or may determine to do all or a part of the work without contract.

(k) After a contract shall have been entered into for any improvement embraced in any resolution, or, if the City shall do the work itself, after an improvement authorized by any resolution shall have been completed the City Engineer shall prepare a preliminary assessment roll and file same with the City Clerk, which roll shall contain the following:

1. A description of the lots and parcels of land within the district, which in the case of improvements the cost of which or part thereof is to be assessed against an area deemed especially benefited thereby shall include all property declared by the City Council in such improvement resolution to be especially benefited thereby, and in the case of other improvements shall include lots and lands which abut upon the sides of that part of any highway to be improved, or in which a sanitary sewer, except a curb sewer, is to be laid and the lots and lands which abut upon the side or sides of any highway in or along which side or sides of a sidewalk is to be constructed or a sanitary curb sewer is to be laid. Such property, lots and lands shall include City property and lands within the City, which abut upon an intersection as therein defined. There shall also be given the name of the owner of each lot or parcel where such can be ascertained from the City records, and in all cases, save areas to be assessed for the cost or part thereof, and deemed to be especially benefited, a statement of the number of feet of property so abutting, which number of feet shall be known as the frontage.

2. In case of highway improvements a description of any track or tracks of railroad as herein defined, already laid or for the laying of which any franchise shall have been granted within the portion of the highway or highways to be improved, giving the number of tracks, the distance between the tracks and the distance between the rails, if an assessment is to be made against such railway or the owners thereof.

3. The total cost of the improvement which, if made by contract, shall be the price named therein or the price computed from unit prices named therein, taking into consideration minor changes and alterations found necessary, but if the City shall do the work itself, the actual cost of such work, and in all cases the amount of incidental expense, estimated or actual.

4. An apportionment, to be computed as follows, of the cost of each improvement and incidental expense, to be apportioned in the same proportions.

IN HIGHWAY IMPROVEMENTS

a. To any railroad as herein defined, the track or tracks of which may be in or upon any portion of the highway or intersection to be improved, or to which any franchise for such track or tracks shall have been granted, provided assessment is to be made against such railroad or the owners thereof pursuant to such franchise, there shall be apportioned the cost of such improvement between the tracks and between the rails of each track, and for the distance of 18 inches beyond each outer rail, including switches and turnouts; and when an assessment of such apportionment shall have been confirmed against any such railroad, it shall constitute a lien upon all the franchises and property thereof to the same extent as other assessments herein provided for constitute liens upon abutting or benefited property; provided, however, that when any such railroad shall operate, or be about to operate under any ordinance, contract or franchise which pro-

vides for the amount, manner and conditions of the payment of cost by such railroad, the foregoing provisions as to such railroad shall apply only to the extent the same may not be inconsistent with any such ordinance, contract or franchise, and provided that if under the terms of any ordinance, contract or franchise, the City shall exempt such railroad from assessment, the cost which would otherwise be assessable against such railroad shall be assessed against the property abutting upon such highway, as if the railroad were not in existence.

b. To the City shall be apportioned the cost of highway improvements at the intersections, except that part of such intersection cost as is apportioned to railroads. The word "intersection" shall be deemed to include not only that part of a highway which is common to another highway, but also that portion of a highway which would be embraced within the extension, if extended, of another highway entering into it or meeting it.

c. To abutting property shall be apportioned the remaining cost of highway improvements.

IN SIDEWALK IMPROVEMENTS

d. To abutting property shall be apportioned all the cost of sidewalk improvements, the lots within a block being deemed to abut upon a sidewalk although the latter extends beyond the lots to the curb line of an intersection highway.

IN SANITARY SEWER IMPROVEMENT

e. To the City shall be apportioned the cost of sanitary improvements at intersections.

f. To the City shall be apportioned the cost of any pumping station or outlet.

g. To each lot or parcel of land to the property or curb line of which a sanitary sewer lateral is laid, shall be apportioned the cost of that lateral.

h. To abutting property shall be apportioned either (a) the cost of a sanitary sewer, except at intersections, or (b) the cost of an 8-inch sanitary sewer, except at intersections, as such cost is estimated by the City Engineer (whichever be the lesser) not including therein the cost of laterals, pumping station or outlet.

IN STORM SEWER IMPROVEMENTS.

i. To the City shall be apportioned one-third of the cost of storm sewers including any pumping station and outlet, but excluding storm sewer laterals.

j. To the lots and parcels within the district shall be apportioned two-thirds of the cost of storm sewers, including any pumping station and outlet, but excluding laterals.

k. To each lot and parcel, to the property or curb line of which a storm sewer lateral shall be laid, shall be apportioned the cost of such lateral.

IN WATER FRONT IMPROVEMENTS

l. To the City shall be apportioned such part of the cost of water front, board or other walk improvement as may have been determined by the initial resolution.

m. To the lots and parcels within the district or area deemed especially benefited shall be apportioned the remaining part of waterfront improvements or board or other walk improvements.

IN WHITEWAY LIGHT IMPROVEMENTS

n. To the City shall be apportioned such portion of the cost of whiteway light improvements as may have been determined by the City Council by the initial resolution.

o. To the lots or parcels of land within a given block (meaning that land lying between two parallel streets) abutting on a street so improved shall be apportioned the remaining cost of whiteway light improvements made in such block on the side where such property abuts.

ASSESSMENT OF INDIVIDUAL LOTS.

p. The amount of the cost of water front and board or other walks, improvements and storm sewers, including laterals so apportioned to lots and parcels of land, shall be assessed to the several lots and parcels within the district, in the proportion which the City Engineer deems to be the proportion of special benefits each such lot or parcel shall receive, and the amount of cost of each highway, sidewalk and sanitary sewer improvement, except laterals so apportioned to abutting property, shall be assessed in said roll against such abutting property, according to frontage.

q. The preliminary roll shall be advisory only and shall be subject to the action of the City Council as hereinafter provided.

r. Upon the filing with the City Clerk of the preliminary roll required by this Section, the City Clerk shall publish once for each of two successive weeks, in a daily newspaper of general circulation in the City of Miami Beach, though it may be a paper published in the City of Miami, Florida, a notice stating that at a regular meeting of the City Council to be held on a certain day and hour, not less than twelve days from the date of the first publication, all interested persons may appear and file written objections to the confirmation of said roll.

s. At the time and place stated in such notice, the City Council shall hear and receive the objections in writing of all interested persons interested in said notice. Then or thereafter, the City Council shall either annul or sustain or modify, in whole or in part, the prima facie assessment as indicated on said roll, either by confirming the prima facie assessment against any or all lots or parcels therein described, or by cancelling, increasing or reducing the same, according to the special benefits which said City Council decide each said lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this Section shall have been omitted from said preliminary roll, or if the prima facie assessment has not been made against it, the City Council may place on said roll an apportionment to said property. The City Council may thereupon confirm said roll, but shall not confirm any assessment in excess of the special benefits to the property assessed, and assessments so confirmed shall be in proportion to the Special benefits. Forthwith after such confirmation said assessment roll shall be delivered to the City Clerk and such confirmation shall be final and conclusive, except as hereinafter provided.

t. If the owners of any railroad or any lot or parcel of land so assessed shall within ten days from such confirmation file a written verified petition in the office of the Clerk of the Circuit Court of Dade County, Florida, setting forth that the amount so assessed against any property of the petitioner exceeds the amount of the special benefit the petitioner has sustained or will sustain by reason of such improvement, or is out of proportion to benefits, or that the assessment is invalid for any reason whatsoever, and shall at the same time file with said Clerk a written undertaking in at least the sum of Two Hundred Dollars, with a good and sufficient surety to be justified before and approved

by the said Clerk to the effect that the petitioner will pay to said City all costs and damages to be sustained by it by reason of such proceeding, and shall, within ten days from such confirmation deliver to the City Manager or leave in his office a copy of said petition, then the validity of such assessment against said property shall be determined as hereinafter provided. Within ten days after the delivery of said copy of petition to the City Manager or at his office the Manager shall appear and answer the said petition and the case shall be heard upon such petition and answer and upon such evidence as may be presented to the Court. The Judge of the Court shall hear and determine any case, in term or vacation, giving such hearing and determination precedence over all other cases so far as the same may be practicable. The decision of the Court in such proceedings shall be final and an appeal shall be allowed only if properly prayed and perfected within ten days from the date of the order. If the assessment against such property shall be sustained or reduced or abated by the Court the City Clerk shall note that fact on the assessment roll opposite the description of the property whose assessment was so contested. The cost of any such proceedings shall be paid by the party complaining of such assessment, unless said assessment is abated or is reduced by the Court ten per cent, or more, and judgment shall be rendered against him for the amount of such costs. In case assessment shall be abated or shall be reduced ten per cent or more, such costs and expense shall be paid by the City and judgment shall be entered against it for the amount thereof.

u. The amount of the special assessment against any lot or parcel which may be set aside by the Court, unless the assessment upon the entire district be set aside, or the amount by which such assessment is so reduced, may by resolution of the City Council be made chargeable against the City at large; or, in the discretion of the City Council a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll, except that no notice of hearing upon such roll need be published or given as to any property unless the assessment against it is increased. The City Council shall take prompt action as herein provided in case of the reduction or invalidation of any assessment, and any such action shall be noted by the City Clerk, on said assessment roll, unless a new roll shall be made and confirmed, in which case the former roll shall be a nullity and the right of petition to the Circuit Court as to the amounts apportioned by the new roll shall be again in force as to such new roll.

v. Thirty days after the confirmation of the assessments the amounts apportioned and assessed shall be due and payable at the office of the City Clerk, except as to any property, including railroads, whose owners shall have filed a petition in the Circuit Court as hereinabove provided, which assessments shall be due and payable eleven days after the decision of the Court thereupon, but not within said thirty days; but it shall be lawful for the City Council to provide by resolution that if the owner of any lot or parcel assessed in excess of Twenty-five Dollars shall file with the City Clerk before such date on which full payment is required his written undertaking waiving all irregularity and illegality in connection with the said assessment against such lot or parcel, he shall have the privilege of paying the same in equal annual payments in each of the ten succeeding years, or such shorter period as may be fixed by the City Council, at the time in said years at which the general City taxes are due and payable, with interest upon such deferred installments at the rate of six per cent per annum, payable annually from the date such assessment would be due if such undertaking were not filed and upon the filing of any such undertaking the assessments embraced by it shall be payable at the time or times so fixed and with such interest, but any assessment whose payment shall be so deferred may be paid at any time when accompanied by the payment of interest accrued thereon and that which will accrue to the next

succeeding annual date for payment; provided, however, that nothing herein contained shall be deemed to prevent the City Council from extending the time in which such undertaking as to any one or more lots or parcels of land shall be filed.

w. The said assessments shall constitute a lien upon the property so assessed from the date of the passage of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general City taxes, and shall be collectible in the same manner and with the same penalties and under the same provisions as to sale and forfeiture as City taxes are collectible. Collections of such assessments may also be made by the City by proceedings in a Court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, if assessed for an improvement ordered by the same resolution; provided that failure to pay any installment of principal or interest of any assessment when such installment shall become due shall without notice or other proceedings cause all installments of principal remaining unpaid to be forthwith due and payable, with interest thereon at six per centum; but if before any sale of the property for delinquent assessments, the amount of such delinquency shall be paid with all penalties, interest and cost, further installments of the principal shall cease to become so due and payable, and shall be due and payable at the times set forth in or contemplated by said written undertaking.

x. All assessments made pursuant to this Section and all assessments heretofore made for improvements, as well as all moneys already collected for any such assessments, are hereby pledged to the payment of the principal and interest of the bonds authorized by this Section and bonds heretofore authorized to the payment of which assessments have heretofore been pledged by the municipality, which shall include moneys directed to be placed in Improvement Funds 1 to 9, inclusive, shall, when collected, be placed in Improvement Fund 9, in which fund no distinction or separation between the assessments for different improvements shall be made, and such assessments or moneys collected shall be used solely for the payment of the principal and interest of such bonds as the same shall become due.

y. (As amended 1943) On or after the confirmation of the resolution ordering an improvement or improvements, the City Council may, by resolution, issue bonds of the City for the payment of the entire cost or any part thereof, including incidental expense, and for the reimbursement of any fund of the City from which any part of such cost shall have theretofore been paid, in an amount not greater than the estimate herein provided of the cost and incidental expense, which estimate, if the initial resolution shall have given two or more alternative descriptions of the improvement by its material, nature, character and size, with estimates as to each description, shall be the lowest of such estimates, but no bonds shall be issued in excess of the contract price and estimated cost of incidental expense unless such bonds shall have been delivered or sold or advertised for sale prior to the making of such contract. If the bonds shall be authorized after such contract is made, they may be issued to the full amount of such contract and the amount paid and the amount awarded in eminent domain proceedings for any land, rights and easements necessary to be acquired for the improvement and the estimated incidental expense, and a finding by the City Council of the amount of a contract or the amount so paid to or awarded for land, rights or easements, or the amount of incidental expense, shall be conclusive for the purpose of this paragraph. An issue of bonds need not be limited to one improvement, and bonds may be issued in one or more series for all or a part of the cost of

any one or more improvements. Each series of bonds shall mature in annual installments on such dates of each year and in such amounts as the City Council may determine, beginning not more than two years from their date, not extending beyond twenty years from their date; they shall bear interest not greater than six per cent per annum, payable semi-annually, and the principal and interest shall be made payable in such medium and at such place as the City Council may determine. Such bonds shall be absolute, general and direct obligations of the City and shall be issued only in denominations of \$500.00 or \$1,000.00, with interest coupons attached. They shall be sold by the City Council only after publishing at least ten (10) days before receipt of bids therefor, a notice calling for such bids, and shall not be sold at less than 97% on the dollar and accrued interest. Such bonds may provide for redemption prior to maturity at a price not greater than 103 plus accrued interest.

z. Notwithstanding the provisions made herein for the conservation and pledge of special assessments for the payment of such bonds and interest, the City Council is hereby authorized and required annually to levy a special tax upon all taxable property within the City over and above all taxes authorized or limited by the Charter of the City, or other law, sufficient to pay the interest and principal of all such bonds at their several dates of maturity, the proceeds of all which taxes shall, when collected, be paid into the fund referred to in paragraph (x) of this Section, together with the special assessments in said fund contained, and said fund shall be used for no other purpose than the payment of such principal and interest, provided, however, that the amount of the annual tax levy herein required may be reduced in any year by the amount then contained in said fund, it being the intention hereof to provide that such bonds shall be payable by general taxation as other bonds of the City, but that the additional security provided herein by way of special assessments will reduce the amount of such general taxation.

aa. (As amended 1931) Such bonds shall be issued only after same shall have been approved by a majority of the votes cast in an election in which a majority of the freeholders, who are qualified electors residing in the said City of Miami Beach shall participate, to be held in the manner to be prescribed by law in conformity with Section 6 of Article 9 of the Constitution of the State of Florida; the initiative and referendum provisions of this charter shall not be applicable thereto. All proceedings of the City Council herein provided for may be taken by resolution, which resolution shall be in force from and after its passage.

bb. (As amended 1927) In all cases in which assessments or charges against property have heretofore been or shall be made for improvements, authorized hereunder for which assessment or charges the City shall hold liens upon abutting or benefitted property not pledged to the payment of any bonds or other obligations, bonds of the City may be issued to the amount of such unpaid assessments or charges of the character and in the manner in this Section provided for other bonds, and the proceeds of such bonds shall be used in repaying to any fund of the City any amount which shall have been paid therefrom upon the cost of the improvement for which such assessments or charges are made and in paying any sums remaining due upon such cost; and after the issuance of bonds under this paragraph such assessments and charges when collected shall be placed in the fund referred to in paragraph (x) of this section and be subject to the provisions of this section concerning said fund.

cc. All resolutions heretofore passed and confirmed and not repealed, which have ordered improvements which might have been initiated under Section 29 of the Charter of the City, and all contracts heretofore made for the construction of improvements thereby ordered, and all contracts made pursuant to advertisements for bids for contracts for such construction, are hereby ratified and the improvements so ordered may be made, and the procedure therefor continued under and pursuant to this section, the provisions of which shall apply to the advertisement and letting of contracts, the making of assessments, the signing of waivers, the issuance of bonds and all other details in this section mentioned, save insofar as any of said steps shall heretofore have been taken by the City, it being the intention that the City shall succeed to and be bound by all things done by the City pursuant to Section 29 of this Charter, and that such things done are hereby adopted and ratified as if done pursuant to the provisions of this Section.

dd. Where the proceeds of bonds issued or to be issued under this section have been or shall be found to exceed the costs of the improvements for which such bonds were or shall be issued, such excess may be transferred by the City Council to a fund to be created by it for use only in paying the City's share of the costs of other local improvements made under this Section.

ee. As soon as any improvement shall have been completed the City Council shall cause a notice to be posted at the door of the City Hall of said City and in at least two other public places in said City, or to be published in a newspaper of general circulation of the City, stating that at a meeting of the City Council to be held at a certain day and hour, not less than ten days from the posting or publication of such notice, the City Council will hear any objections of persons interested in or affected by the said improvement as to the acceptance thereof by the City Council. At the time and place mentioned in said notice said City Council shall hear objections, if any, and may then or thereafter accept the said improvement.

ff. The City Council may make allowance and grant credit to property owners for improvements previously made by such property owners to the extent, and only to the extent, that such improvements shall have been made in accord with the plans and specifications of improvements ordered and shall be of value and utility as a part of the improvement ordered, and it may prescribe a plan or system for fixing and determining said credit.

Notwithstanding anything in this enactment to the contrary, when it becomes necessary or practicable to order the construction of a sanitary sewer in a Highway abutting a piece of land against which an assessment has already been made for, and a sanitary sewer constructed, and which is in use or which sewer so ordered shall extend along two sides of a piece of land, the cost of such sewer in the case of construction where the cost of a sewer has already been assessed, shall not be assessed against such piece of land and in the case of a sewer so ordered extending along two sides of a piece of land the cost thereof along the longer side only shall be assessed to such piece of land, and in either case all of the remainder of the cost of such sewer in the district shall be considered a part of the cost of such sewer for the district in which laid, the total cost of which shall, except as in this section otherwise provided, be assessed against the remaining abutting lots or pieces of land.

When a sidewalk or curb sewer is laid only on one side of a highway or easement, the cost thereof, except as otherwise provided herein, shall be assessed against the property abutting upon that side, and such laying shall not, because

thereof, be construed to violate the provision herein that such improvement shall be practically uniform in cost and kind throughout.

gg. In fixing the assessments herein provided for, whenever any such land shall have been surveyed or subdivided and platted into small tracts designated as lots or blocks or otherwise, and the owner of any land embraced in the said survey or subdivision shall have recognized such survey or subdivision by reference thereto in making any conveyance of land therein, or by selling any land therein by reference thereto, then and in that event the land embraced in such subdivision may be described for assessment purposes by referring to such subdivision whether any plat thereof shall have been ordered or not.

hh. The City Council shall have power to authorize and require the use of surface privies, septic tanks, and other devices for the disposal of sewage where connection with sanitary sewers is deemed by the City Council to be impracticable, and to regulate and control the location, construction, maintenance, care and use of the same, and to compel the payment to said City of reasonable charges for its sanitary service in connection therewith, and to make the said charges a lien upon the houses, lands and premises served, and the City Council shall have power, where connection with sanitary sewers is deemed by the City Council to be practicable, to prohibit, destroy and forbid the use of surface privies and cesspools and all other devices for the disposal of sewage except sanitary sewers.

ii. The purpose of this Act is to provide an economical method by which local improvements may be made. It is hereby declared that no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way affect the validity of the orders for such improvement or special assessment or bonds or contracts, unless such irregularity or illegality shall substantially affect the rights of said City or its inhabitants, or the owners of property assessed for such improvement.

jj. In case of any omission, errors or mistakes in making the assessments, or in case of deficiencies or otherwise then, unless the City Council or the Court shall have determined that the assessments already made fully equal the amount of special benefits, a supplemental assessment may be made for such deficiencies, errors, omissions or mistakes; and such supplemental assessments shall be made in the same manner and after the same notice hereinabove provided for the original assessments, and shall be a lien to the same extent and be payable in the manner, draw the same rate of interest and be subject to the same penalties, and be in force and collected in the same manner as such original assessments.

kk. A copy of any assessment certified as correct by the City Clerk shall be admissible in evidence and shall be prima facie evidence of the amount of the assessment and the property upon which such assessment is levied.

ll. Dade County, and any school district or other political subdivision, wholly or partly within said City, shall possess the same power and be subject to the same duties and liabilities in respect to said assessments affecting their real estate that private owners of real estate possess, or are subject to hereunder, and such real estate of said County, school districts and political subdivision shall be subject to liens for said assessments in all cases where the same property would be subject had it at the time the lien attaches been owned by a private owner.

mm. The City Council shall have the power by resolution or ordinance to prescribe the width of every sidewalk in the City and the material of which the same shall be constructed, and shall have power on such notice as may be prescribed by resolution, to require owners of property to lay, construct,

or repair sidewalks in front of their property; and shall also have the power on such notice as may be prescribed by resolution to require owners of property to clear the same of, and destroy weeds, undergrowth, rubbish, debris, trash and unsightly and unsanitary matter as many as four times during an annual period next following, such period and such times to be stated in said resolution and notice; to fill in unsanitary excavations or depressions, and if the owner or owners shall not comply with any such requirements within the time limited in the resolution, the City Council may cause such work to be done and may make the cost thereof a charge and lien against such property respectively, of the same extent and character as the lien herein provided for special assessments, which charge shall be forthwith due and payable unless the time for such payment shall be extended by the City Council, with the same penalties and with the same rights of collection and sale and forfeiture as obtained for City taxes. Nothing herein contained shall prevent the City from constructing sidewalks and providing for the payment therefor as elsewhere provided is this Section.

nn. Where laterals shall have been constructed or shall be ordered the City Council may require property owners to connect their premises with the laterals and may provide by general ordinance that in case of their refusal after notice given, the said connection shall be made by the City and that the cost thereof shall constitute a lien upon the house, land and premises thereby affected. The notice last above provided for may be by service on the owner of the property or the agent who collects his rent, or the occupant of said property, or in the case the said property is unimproved by posting such notice on the property.

oo. Nothing in this Act shall be construed to deprive the County of Dade, or the Board of County Commissioners thereof, or the Board of Public Instruction of said County, or any political subdivision in said County of Dade, of the jurisdiction over, or the control, management and possession of any highway, road, park or parkway, school property or equipment, or any other property devoted to public uses now or hereafter held, acquired, owned or controlled by or in the possession of either thereof, or interfere therewith, nor shall this Act be construed to affect or control in any manner whatsoever the conduct or determination of any litigation now pending or hereafter instituted involving the same or any part or portion thereof, and all the said matters and things herein in this paragraph set forth are hereby specifically excluded from the operation hereof.

pp. In all cases in which assessments have heretofore been made or shall be made for improvements authorized hereunder, for which assessments the City shall hold liens upon abutting or benefited property not pledged to the payment of any bonds or other obligations, bonds of the City may be issued to the amount of such unpaid assessments, of the character and in the manner herein provided for bonds to pay the entire cost of improvements, and the proceeds of such bonds shall be used in repaying to any fund of the City amounts which shall have been paid therefrom upon the cost of the improvement for which such assessment was made, and in paying any sums remaining due upon such cost. If such liens shall then be pledged to payment of any bonds or other obligations no additional bonds shall be issued unless at or before the issuing of same such outstanding bonds or other obligations shall have been paid in full with the interest thereon.

SECTION 31. For the payment of the principal and interest of all bonds issued hereunder or under earlier provisions of the charter repealed hereby, as they mature, the City Council is hereby authorized and required to levy an annual special tax upon all taxable property within the city over and above all taxes authorized or limited by law or by the charter of the city, sufficient to pay the interest and principal of said bonds at their several dates of maturity.

The proceeds of such taxes, after the payment of accruing interest upon the bonds, shall be paid into a fund to be denominated "local improvement bond fund," which shall be used for no other purpose than the payment of the principal of such bonds as they mature; provided however, that the amount of such annual tax levy may be reduced by the amount then contained in said local improvement bond fund, and by the amount of assessments actually collected and then remaining in the special assessment fund or funds applicable to said bonds as hereinabove provided.

It shall not be necessary to submit to the electors of said city the proposition of issuing said bonds, or making of said improvements, or confirming the said special assessments, or any other manner or thing herein authorized, and all proceedings of the City Council herein authorized may be taken by resolution, any provision of the charter or general laws of the State to the contrary notwithstanding.

The purpose of this section being to provide a satisfactory and economical method by which public ways within the City of Miami Beach may be improved, it is hereby declared that no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way affect the validity of the orders for such improvement or special assessment or bonds or contract, unless such irregularities or illegality shall substantially affect the rights of said City or its inhabitants, or the owners of property assessed for such improvements.

If there be any street, electric or steam railroad track or tracks in any highway upon which a highway improvement is to be made hereunder, or if any franchise therefor shall have been granted, the cost of such improvement between the rails of each track and to the distance of eighteen inches beyond each outer rail, including switches and turn outs, and a proportionate part of the incidental expenses shall be apportioned and assessed against the owners of such railroad (including such cost upon any intersection of highways); such assessment shall constitute a lien upon all the franchises and property of any such railroad, to the same extent as other assessments herein provided for are constituted liens upon abutting property; provided, however, that where any such railroad shall operate or be about to operate under any ordinance, contract or franchise which provides for the amount, manner and condition of the payment of cost by such railroad, the foregoing provisions as to such railroad shall apply only to the extent the same may not be inconsistent with any such ordinance, contract or franchise.

The City Council shall have the power to order all or any owners of abutting real estate to connect their several premises with sewers or drains, and with other subterranean conduits; pipes or ducts, for the supply of gas, electric energy or water, ice, owned or operated, or about to be constructed by the City of Miami Beach in front of their several premises; and upon default of compliance with any such order for ten (10) days after notice of such requirement shall have been served upon any such owner, or published in a newspaper published in said city, the City Council may contract for, or make such connection at such distance, under such regulations and in accordance with such specifications may be by the City Council made a lien against the particular premises with which the connection is made, of the same extent and character as the lien herein provided for special assessments, which charge shall be forthwith due and payable with the same penalties and with the same rights of collection and sale and forfeiture as obtain for city taxes.

The City Council shall have the power by resolution or ordinance to prescribe the width of every sidewalk in the city, and the material of which the same shall be constructed, and shall have power on such notice as may be prescribed by resolution, to require owners of property to lay, construct

or repair sidewalks in front of their property; the City Council shall also have the power on such notice as may be prescribed by resolution, to require owners of property to clear the same of, and destroy weeds, undergrowth, rubbish, debris, trash and unsightly and unsanitary matter; to fill in unsanitary excavations or depressions, and if the owner or owners, shall not comply with any such requirement within the time limited in the resolution, the City Council may cause such work to be done, and may make the cost thereof a charge and lien against such property respectively, of the same extent and character as the lien herein provided for special assessments; which charge shall be forthwith due and payable unless the time for such payment shall be extended by the City Council, with the same penalties, and with the same rights of collection and sale and forfeiture as obtain for city taxes. Nothing herein contained shall prevent the City Council from constructing sidewalks and providing for the payment therefor as elsewhere provided in this section, and it shall be lawful to require in the resolution ordering any sidewalk improvement, as elsewhere provided herein, that owners of property construct such sidewalks. If before advertisement for bids for construction, such sidewalk shall be constructed in front of any property, or a satisfactory guarantee given to the City Council that it will be constructed, it may amend said sidewalk improvement resolution by omitting therefrom the order for the construction of such sidewalk so constructed or guaranteed to be constructed, and the property in front of which the same lies shall not be included within the sidewalk improvement district.

In all cases in which improvements have been ordered by the City Council under the provisions of sections of the city charter repealed hereby, such improvements may be continued under this section, the provisions of which shall apply to the advertisement and letting of the contract, the making of assessments, the signing of waivers, the issuance of bonds, and all other details herein, save in so far as any of said steps shall heretofore have been taken.

In all cases in which assessments have heretofore been made or shall be made for improvements authorized hereunder, for which assessments the city shall hold liens upon abutting or benefited property not pledged to the payment of any bonds or other obligations, bonds of the city may be issued to the amount of such unpaid assessments, of the character and in the manner herein provided for bonds to pay the entire cost of improvements, and the proceeds of such bonds shall be used in repaying to any fund of the city amounts which shall have been paid therefrom upon the cost of the improvement for which such assessment was made, and in paying any sums remaining due upon such cost. If such liens shall then be pledged to the payment of any bonds or other obligations, no additional bonds shall be issued unless at or before the issuing of same such outstanding bonds or other obligations shall have been paid in full, with the interest thereon.

In all cases in which improvements have heretofore been ordered, and contracts for the construction thereof have been let, it shall be lawful for the city to enter into a new contract with the contractor providing for the payment of the cost of improvement as provided in this section; but no such new contract shall be made unless the amount to be paid the contractor for his work shall be thereby reduced to an amount equal to at least five per cent, (5%) of the original contract price.

SECTION 32. No officer of the City of Miami Beach shall draw a warrant for any indebtedness of the City of Miami Beach on any city depository unless the money to meet said warrant is actually on deposit to the credit of the city in such depository.

SECTION 33. It shall be unlawful for the City of Miami Beach, in any one year, to incur any indebtedness in excess of the appropriation for said year, except as provided in this charter.

SECTION 34. The City Council may designate by ordinance or resolution, one or more bank or banks or trust company, whether State or National, doing business in the City of Miami or in the City of Miami Beach, as the depository or depositories of the city funds. The city clerk and collector shall pay over to the said depository or depositories under direction of the City Council, all funds coming into his hands or collected by him on behalf of said city, whether from taxes, liens, fines or forfeitures, sales of property or otherwise, and at the time of making each deposit, shall present to the said depository an abstract showing the amount to be credited to each of the city funds; as each payment or deposit is made, as aforesaid, the depository shall make and execute receipts for the amount of such deposits in triplicate, showing the amount credited by it to each of the city funds, one of such receipts to be retained by the depository, one to be delivered to the city clerk and collector, and the other to be delivered to the City Auditor or Comptroller.

Each designated depository of city funds shall give bond or other security to be approved by the City Council, conditioned upon the safe keeping of the city funds and the faithful performance of its duties as city depository.

SECTION 35. The City of Miami Beach, by ordinance or resolution of its City Council, may issue from time to time revenue bonds or notes of the city, bearing interest at not more than six per centum per annum, and maturing not more than one year from their date, for the purpose of providing funds in anticipation of taxes theretofore levied, and may issue refunding bonds or notes with like limitations upon interest and maturity, when necessary to provide for the payment of any such revenue notes or bonds at their maturity; the aggregate amount of such notes or bonds at any time outstanding shall not exceed seventy-five per centum of that sum which remains after subtracting from the amount of all uncollected taxes levied in the two preceding fiscal years the amount of all bonds, notes, warrants or other city obligations then outstanding which have no fixed maturity, or which by their terms mature within one year from the date of their respective issuance; such notes or bonds shall be sold by the City Council and upon such terms as it may elect, but shall not be sold at less than par value except by a vote of at least five-seventh of the members elect of the City Council, and then at a price not less than \$99 on the \$100; the proceeds of said revenue bonds or notes shall be paid into the treasury of the municipality, to the credit of any one or more of the funds for which said uncollected taxes were levied, in such amount and to such fund or funds as may be specified in such resolution or ordinance, but the City Council shall not appropriate any greater amount of such proceeds into any one fund than can be repaid therefrom to meet the payment of such bonds or notes at their maturity; provided, however, that the purchaser and holder of such bonds or notes shall not be required to see to such application of such proceeds; the proceeds of such refunding bonds or notes shall be applied solely to the payment of the revenue bonds or notes for whose retirement they shall be issued; for the payment of said bonds and notes and the interest thereon, at such place or places in Florida or elsewhere as may be designated by the City Council, the City Council is hereby authorized to levy sufficient taxes upon all the taxable property within the City of Miami Beach over and above all other taxes authorized or limited by law and the said notes or bonds shall be the absolute, direct and general obligations of the City of Miami Beach; if any such notes or bonds shall for any reason not be paid at their maturity, or if refunding bonds or notes are issued hereunder, it shall be the duty of the City Council at the time of the next annual tax levy to include therein a levy

upon all taxable property within the city sufficient to meet the principal and interest thereof at maturity.

It shall be the duty of the City Council, after the issuance of any such bonds or notes, to reserve from taxes theretofore levied a sum sufficient to meet the payment of such notes or bonds at maturity. It shall not be necessary to submit any such bond or note issue to a vote of any electors, and any ordinance or resolution authorizing such bonds or notes may be in force and effect from and after its passage and approval, if so declared in the ordinance or resolution. Such ordinance or resolution may authorize the finance committeeman to sell the bonds or notes by it authorized at one time or from time to time, in his discretion and as he deems for the best interest of the city; but in any such general authority the maximum amount of notes or bonds to be issued shall be specified, as well as the maximum rate of interest and the minimum price for which they may be sold.

SECTION 36. The City of Miami Beach, by ordinance or resolution of the City Council, shall have power to issue bonds of the city under this section to an amount not exceeding ten thousand (\$10,000.) dollars for the purpose of paying any outstanding indebtedness of the city at the issuance of said bonds.

The City of Miami Beach shall have full power and lawful authority to issue bonds under this section in an amount not exceeding fifteen per cent (15%) of the assessed value of the real and personal property within its corporate limits for the purpose of paying for all park property already purchased by it and held under purchase agreements.

SECTION 37. (As amended 1931) The City of Miami Beach, in addition to all bonds or notes hereinbefore mentioned, shall have power by ordinance or resolution:

a. To issue bonds for the purpose of building bulkheads, seawalls, groynes or jetties, or board or other walks, in an amount not exceeding 10% of the assessed value of real and personal property within said City. b. To issue bonds in an amount not exceeding 10% of the assessed value of real and personal property within its limits for the purposes of purchasing public building sites, sites for golf courses, the erection of public buildings, club or other houses, the purchase of land for public parks or the development and improvement of any of the same. c. To issue bonds for the purpose of paving its streets, laying sewers, building sidewalks or bridges, in an amount not exceeding 10% of the assessed value of real and personal property within said City. d. To issue bonds for the purpose of purchasing, developing, extending and/or maintaining a water works system within, without, or within and without the corporate limits in an amount not exceeding 10% of the assessed value of all real and personal property within its corporate limits. e. To issue bonds for the purposes of constructing, purchasing, developing, extending and/or maintaining an electric lighting, and/or electrical generating plant, and/or equipment and system, either within, without, or within and without its corporate limits in an amount not exceeding 10% of the assessed value of all real and personal property within its corporate limits. f. To issue bonds for any municipal purpose not hereinbefore specifically designated in an amount not exceeding 10% of the assessed value of all real and personal property within its corporate limits. g. To issue bonds for general municipal purposes when money is needed on account or as a result of any great catastrophe in an amount not exceeding 10% of the assessed value of all real and personal property within its corporate limits.

Provided, however, that no bonds of the City of Miami Beach shall be issued or sold by said City when the total bonded indebtedness shall exceed fifteen per cent (15%) of the total assessed value of all real and personal property within its corporate limits.

Provided, also, that no bonds shall be issued under Section 37 of this enactment until after the same shall have been approved by a majority of the votes cast in an election in which a majority of the free-holders, who are qualified electors residing in the said City of Miami Beach shall participate in conformity with the provisions of Section 6 of Article 9 of the Constitution of the State of Florida; and all such bonds shall be otherwise issued pursuant to the provisions of Sections 29 and 30 of this enactment, and the same shall be paid by the levy and assessment of taxes as is provided for the payment of bonds referred to in said Section 29 and 30 of this enactment. Provided, however, that the proceeds of such bonds and taxes shall be placed in such accounts or funds as said City Council shall see fit.

SECTION 38. The City Council shall, in each year while any issue of bonds shall be outstanding, levy and collect a general tax upon all the taxable property within the city sufficient to pay the current interest thereupon and sufficient to provide for the payment of the principal thereof at maturity; provided, however, that if at the time of any such tax levy the city shall have received and shall have moneys from any source applicable to the payment of such principal and interest, and for which payment such moneys shall have been pledged by the City Council, such annual tax levy may be reduced in like sum.

SECTION 39. Any person who shall possess the qualifications requisite to an elector at general State elections, and shall have resided in the city six (6) months next preceeding the election, and shall have been registered in the municipal registration books that shall be prescribed by ordinance, shall be a qualified elector of the city; and all elections held in said city of Miami Beach shall be conducted and held in accordance with the provisions of the election law of the State of Florida, but the City Council shall be substituted for the Board of County Commissioners.

SECTION 40. (As amended 1935) There shall be held in the City of Miami Beach on the first Tuesday in June, A. D. 1937, and biennially thereafter, an election, at which said election all elective officers of the City of Miami Beach shall be elected. Provided however, that at said elections there shall be but five members of the City Council elected, and the said City Council shall, by ordinance, prescribe the manner of holding both general and special elections, not inconsistent with the provisions hereof, and shall by ordinance provide for registration for said elections, and said City Council shall also, by ordinance, prescribe polling places in the various voting precincts of the City.

SECTION 41. All of the property within the city taxable for State and County purposes, shall be assessed and listed for the purpose of taxation on the city assessment roll and the City assessor shall proceed substantially in the same manner as is provided by law for the assessment of real and personal property for the purposes of state and County taxation; and railway and railroad companies, including street railways, shall be subject to assessment and taxation on all real estate and personal property owned by them within the limits of the corporation, in the same manner and at the same ratio and valuation as other property, save and excepting the roadbed and rolling stock of said railroad which shall be assessed by the State Comptroller, as provided by law; provided the City of Miami Beach may make its own assessment of property for taxation, and the valuation of the property by the municipality shall not be controlled by the valuation fixed by the State Tax Assessor for State and County taxation, but may exceed the same, and provided further, the City Council shall act as a board of equalization for the purpose of equalizing the valuations instead of the Board of County Commissioners.

SECTION 42. The City Collector shall proceed with the collection of the city taxes substantially in the same manner as provided by law for the collection of taxes and sale of property for the non-payment of taxes by State tax collectors. He shall give all notice required by law, and sell the real property of delinquents in the manner provided by law, and give to the purchaser a certificate substantially in the form provided by law for State and County collectors and shall prepare in triplicate a report of tax sales of real property for each year, one of which he shall retain, one shall be filed in the office of the clerk of the Circuit Court for the county of Dade for record, and the other delivered to the City Auditor or Comptroller. At all sales of land for unpaid city taxes, in the absence of purchasers therefor, the lands shall be bid in by the City Collector for the city, and certificate issued accordingly. The City Collector shall proceed with the collection of the taxes on personal property, likewise substantially in the same manner as provided by law for State and County Tax Collectors.

SECTION 43. (As amended 1935) (a) The City of Miami Beach shall have the right to raise by taxation such amount as may be necessary for the carrying on of the government of said City, not exceeding fifteen mills on the dollar of the taxable cash value of all property in said City, both real and personal, and in addition thereto shall have the right to levy such additional taxes as may be necessary to pay the interest on the outstanding bonds of said City, and such additional bonds as said City may, from time to time, issue in accordance with the law; and also to provide a sinking fund for the redemption of said bonds, when the same mature, and shall have the right to levy such additional taxes as may be necessary to pay for the lighting of said City and hydrant rental, for the operating of such waterworks, ice plants, gas plants and electric lighting plants, as the City may construct or acquire, and to provide funds for the support and maintenance of the different City departments as follows: Police, Fire, Sanitation, Cemetery, Parks and Docks, repairs and internal improvements and hospitals, also to provide a publicity fund not to exceed one mill on the dollar. Provided, that money from the general fund may be transferred to any departments by a majority vote of the City Council, but money in the several department funds aforesaid, shall in no case be transferred to the general fund; and, provided further, in case a levy shall not be made for the expenses of any one or more of the City departments, such expenses shall be paid from the general fund.

(b) It shall be the duty of the City Council at their next meeting after having been notified of the amount of the sum total of the taxable property in the City of Miami Beach, to ascertain the amount of money needed for each department, which said estimate shall be submitted to the City Manager of the City, and it shall be his duty to examine said estimate and make such recommendations as he may deem proper to the City Council. The City Manager shall return said estimate to the City Council and the City Council shall have the right by a majority vote to change any item in the estimate in accordance with the recommendations of the City Manager or in accordance with its own views as it may deem proper. The City Council shall then make a levy in accordance with the completed estimate and no part of the money raised by taxation shall be diverted from the object for which it was raised except with the consent of a majority of the City Council.

(c) Notwithstanding the foregoing provision for a publicity fund not to exceed one mill on the dollar of the taxable cash values of all property in said City both real and personal, the City Council shall have authority to levy for publicity and advertising purposes one additional mill

on the dollar, provided, however, such additional levy shall have first been approved by a majority of the freeholders of said City who vote at a special election to be held for said purpose every two years, the first of said elections to be held prior to the fixing of the annual tax levy for the fiscal year commencing November 1, 1933.

SECTION 44. Nothing in this Act contained shall invalidate or make void any proceeding had or taken for the assessment for the year 1917, but the said assessment for the year 1917 shall be completed as far as practicable in accordance with the provisions of this charter; and the City Council shall have power, by ordinance, from time to time, or provide for the correction and validation of erroneous assessments or of defective assessments, but it shall not have the power to raise or lower any assessments of property, real or personal, nor consider any petition therefor, except in the case of error, and no assessment heretofore made or hereafter to be made shall be deemed invalid by reason of any mistake, omission, defect or irregularity or failure to comply strictly with the terms of this Act, or by reason of any failure to describe the owner; and the assessments and levies of taxes as made and entered upon the several assessment rolls of the said City of Miami Beach for the years 1915 and 1916 severally, are hereby legalized and confirmed; Provided, always, that the assessment roll describes the property assessed with sufficient certainty to render it capable of identification and indicates the assessed value thereof and the taxes due thereon.

SECTION 45. No suit shall be maintained against the city for damages arising out of failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street or other public place, or for any tort, unless it shall be made to appear that the damage alleged is attributable to negligence of the city, and that written notice of such damage was, within thirty (30) days after receiving of the injury alleged given to the City Attorney with such reasonable specifications as to time and place and witnesses as would enable the city officials to investigate the matter; and no verdict shall in any suit be given for an amount exceeding compensative damages to the plaintiff directly attributable to such negligence on the part of the city, and contributory negligence on the part of the plaintiff shall defeat all recovery against the city. It shall be the duty of the City Attorney, upon receiving any such notice, to at once investigate the matter and lay the facts, supported by the evidence, before the City Council in a written report, and the City Council shall have the right, and upon the written request of the person injured, it shall be the duty of the City Council to investigate the matter, and it may, by resolution, make such reasonable settlement of damages as may be agreed upon between the City Council and the person so damaged.

SECTION 46. Nothing in this Act shall invalidate or make void any act done by the City Council, or any of the officers of said city, or any contract entered into by them, or any of them, or any suit pending begun prior to the passage of this act, but the same shall remain in full force and effect, and all laws and parts of laws inconsistent with the provisions of this Act, be and the same are hereby repealed; but repeal shall not have the effect to nullify or make void any contracts heretofore entered into by the City Council of the City of Miami Beach, and all ordinances of the City of Miami Beach now in existence and not inconsistent with the provisions of this Act shall remain in full force and effect until altered, modified, or repealed, according to the provisions hereof.

SECTION 47. The City Council of Miami Beach shall have the power from time to time to pass all such ordinances not inconsistent with this Act as may be necessary to carry out and enforce the provisions of this Act.

SECTION 48. (As amended 1923) That the City of Miami Beach be and it is hereby fully authorized and empowered as fully and completely as a natural or artificial person might or shall be, to establish, construct, build, purchase and maintain and operate a municipal plant or plants for the supplying and distribution of water, gas, ice or electricity, within or without its limits, for the municipal use and for the use of such persons as may require and pay for the same, within or without said city and to purchase any railway system and for such purpose or any of the same, may issue, sell and dispose of such bonds as said City Council may deem necessary or expedient for such purpose or purposes, provided that a majority of the electors of said city, owning and paying taxes on real or personal property, and qualified to vote and voting, shall at a special election called by the City Council for that purpose, vote in favor of the establishment, construction, building, purchase and maintenance and operation of such municipal plant or plants or system, and the sale of such bonds, and provided that whenever the City Council deems it expedient to submit to said electors the question of the establishment, construction, building, purchase and maintenance and operation of such municipal plant or plants or system, and the sale of such bonds, the City Council shall, by resolution, cause to be made and furnished to it, within sixty days from the passage of such determination, an itemized estimate of the cost of such plant or system, whether to be constructed, built or purchased, and upon receipt of such estimate or estimates, the City Council may call an election, which shall contain the estimate of the approximate cost of such plant or plants and the amount of bonds deemed expedient to be issued for such construction or purchase, and at such election may submit to said electors the questions whether such municipal plant or plants or system, shall be established, constructed, built, or purchased and maintained and operated, and whether bonds for such purpose or purposes, not exceeding such estimate, shall be issued. The City Council may submit at one or at separate elections the question of the construction or purchase of such plant or plants or system as aforesaid, and the question of the issuance of bonds as aforesaid. And the City Council may call said election or elections, by ordinance or resolution, and shall therein provide for the giving of a notice of such election by publication once each week for four consecutive weeks, and if, upon the holding of said election, it shall be found that a majority of said electors have voted in favor of any one or more of such questions submitted to them, then the said City Council shall be authorized to proceed with the issuance, sale and disposition of said bonds, which shall be issued in the same manner and under the same regulations as is provided for the issuance and sale of bonds elsewhere in this charter, and shall be authorized to proceed with the construction or purchase of such plant or plants as are authorized to be constructed or purchased. The City Council shall have the sole power of the appointment and hire of all operatives, employees, officers and agents necessary to construct or operate any such municipal plant or plants or system and may remove such hired persons at pleasure, and the City Council shall have full authority to pass such ordinance and resolutions as are necessary or expedient to carry into effect all of the provisions of this section. Nothing herein contained shall prohibit the purchase of any such plant or plants upon such terms as to payment of the cost thereof as to the City Council shall deem best.

Said city, the better to enable it to supply its inhabitants with water for fire protection and for consumption, may purchase water from persons, corporations or municipalities, within or without the limits of the city, and may lay pipe, and build causeways for the laying of pipes across submerged land or waterways and may distill, bottle and sell water in any quantity; may make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets or elsewhere in said city, or beyond the limits thereof, for the extinguishing of fires and for supplying its inhabitants with water, and to prevent the unnecessary waste of water or any injury to said water works; and may pass ordinances for the condemnation of property for the purpose of establishing, enlarging or maintaining a system of water works, whether within or without the limits of said city, conforming the mode and manner of the condemnation to the rules now prescribed for cities and towns by the General Laws of the State for the condemnation of property, for the construction of water works and causeway systems, and shall have power to adopt rules and regulations for the management of the water works and sewerage systems of said city; to establish a schedule of water and sewerage rates and tolls; and to prescribe the mode and manner of construction of surface pipes, alley laterals and house connections with water mains and sewer pipes.

SECTION 49. All fees permitted by this charter or created by any existing ordinance, or which may be hereafter created by ordinance, shall be collected by the proper officer and deposited in like manner as other city funds, provided, that nothing herein contained shall prevent the payment of the attorney fees provided by this Act for the enforcement of street and other improvement liens, which said fee shall be paid to the attorney employed to enforce said lien, who shall be entitled to retain the same.

SECTION 50. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

SECTION 51. This charter may be altered or amended at any time in accordance with Chapter 6940 of the Laws of Florida as passed and enacted in 1915.

SECTION 52. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Approved May 25, 1917.

CHAPTER 17596 - (No. 825)

(RAISING PENALTIES TO \$1,000.00)

AN ACT Relating to the Government of the City of Miami Beach, Florida, and Providing for the Adoption of Ordinances and Prescribing Penalties for the Violation Thereof.

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

SECTION 1. That the City of Miami Beach, Florida, shall have the power to adopt such Ordinances as may be deemed necessary to enjoy all the powers heretofore or hereafter granted to said City and to enforce the observance of such Ordinances and to provide penalties for the violation of such Ordinances by a fine not exceeding \$1,000.00 or by imprisonment in the City Jail or County Jail, or at hard labor on the streets or other work of said City, and imprisonment in jail shall include such work, for a term not exceeding ninety days, or by both such fine and imprisonment, or to provide one penalty for the violation of such of its Ordinances as do not contain provisions for penalties for their violation.

SECTION 2. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1935.

* SPECIAL ACTS OF 1935 *

CHAPTER 17598 - (No. 827)

("EXEMPTION FROM SPLIT LEVY")

AN ACT Affecting the Government of the City of Miami Beach, and Exempting the City of Miami Beach From the Provisions of Committee Substitute for Senate Bill No. 160 Entitled "An Act Empowering and Requiring the Several Boards of County Commissioners, and the Governing Authority or Board of the Several Towns, Cities and Taxing Districts, to Adopt Budgets Making Separate and Several Appropriations for Necessary Operating Expenses and for Debt Service Requirements; to Make Separate Levies on the Taxable Property to Meet Such Appropriations and to Keep the Monies Raised by Each Levy Separate and Apart From the Other; to Accept From the Taxpayer and to Issue Receipts for Monies Received From the Taxpayer in Payment of Either or Both of Such Separate Levies!"

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

SECTION 1. That the City of Miami Beach, a municipal corporation in Dade County, Florida, be and the same is hereby exempted from the provisions of Committee Substitute for Senate Bill No. 160, entitled "An Act empowering and requiring the several Boards of County Commissioners and the governing authority or board of the several towns, cities and taxing districts, to adopt budgets making separate and several appropriations for necessary operating expenses and for debt service requirements; to make separate levies on the taxable property to meet such appropriations and to keep the monies raised by each levy separate and apart from the other; to accept from the taxpayer in payment of either or both of such separate levies; and repealing all laws in conflict herewith," approved by the Governor May 2, 1935.

SECTION 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 10, 1935.

CHAPTER 17599 - (No. 828)

(AUTHORIZING CITY TO PURCHASE AT TAX SALES)

AN ACT Authorizing and Empowering the City of Miami Beach, Florida, to Purchase Lands Sold for Delinquent Taxes of Said City to the Same Extent and in the Same Manner as Private Persons and Corporations May Purchase Lands Sold for Delinquent Taxes.

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

SECTION 1. That the City of Miami Beach, Florida, be and it is hereby authorized to purchase lands offered for sale by its Tax Collector for delinquent taxes of said City to the same extent and in the same manner as private persons and corporations are by the general law permitted and authorized to purchase lands offered for sale for delinquent taxes.

SECTION 2. That all laws and parts of laws in conflict herewith are hereby repealed.

SECTION 3. That this Act shall become effective upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 28, 1935.

* SPECIAL ACTS OF 1935 *

CHAPTER 17607 - (No. 836)

(VALIDATING STREET CLOSINGS)

AN ACT Validating All Ordinances or Resolutions Heretofore Passed or Resolved by the City of Miami Beach, Dade County, Florida, Purporting to Close, Abandon and/or Vacate any Street, Streets and/or Alleys or Parts or Portions Thereof, and Limiting the Time Within Which any Member of the Public, or the State of Florida, or any Subdivision Thereof, May Maintain any Suit, Action or Objection to the Abandonment or Surrender of the Public Easement or Right-of-way Over Such a Closed Street, Streets and/or Alley or Part or portion thereof.

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

SECTION 1. That all ordinances or resolutions heretofore passed or resolved by the City of Miami Beach, Florida, a municipality duly organized under special Act of the Legislature of the State of Florida, purporting to vacate, close and/or abandon any street, streets and/or alley or alleys or parts or portions thereof, which may lie within the corporate limits of said City, be, and the same is hereby validated, approved, ratified, confirmed and shall be considered to be in full force and effect, and valid in every particular.

SECTION 2. Neither any member of the public, nor the State of Florida, nor any subdivision thereof, shall be permitted to maintain any suit, action or objection to any such ordinance and/or resolution of said City of Miami Beach, which shall have been heretofore passed more than seven years prior to this Act becoming a law, unless such suit, action or objection be commenced within three months from and after the date this Act shall become a law.

SECTION 3. Neither any member of the public, nor the State of Florida, nor any subdivision thereof, shall be permitted to maintain any suit, action or objection to any such ordinance and/or resolution of said City of Miami Beach, which shall have been heretofore passed within seven years prior to this Act becoming a law, unless such suit, action or objection be commenced within six month from and after the date this Act shall become a law.

SECTION 4. This Act shall not apply to any suit, action or objection now in process of litigation.

SECTION 5. All laws or parts of laws in conflict herewith are hereby repealed.

SECTION 6. This Act shall go into effect upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 10, 1935.

CHAPTER 9837 - (No. 719)

(COMMONLY KNOWN AS "ZONING ENABLING ACT")

AN ACT of the Legislature of the State of Florida, granting to the City of Miami Beach, a Municipal Corporation of Florida, Powers in Addition to Those Contained in this Charter; to Regulate and Restrict the Height, Number of Stories and Size of Buildings and Other Structures, the Percentage of Lot that may be Occupied, the Size of Yards, Courts and Other Open Spaces, the Density of Population and the Regulation and Use of Buildings, Structures and Land for Trade, Industry, Residence or other Purposes; and Granting Powers to Carry into Effect such Regulation and Restriction.

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

SECTION 1. That, for the purpose of promoting health, safety, morals or the general welfare of the City of Miami Beach, Florida, the City Council of said City, in addition to all powers or authority now delegated to it, be and it is hereby empowered to regulate and restrict the number of stories and sizes of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes. Such regulations may provide that the Board of Adjustment may determine and vary their application in harmony with their general purpose and intent, and in accordance with general or specific rules therein contained.

SECTION 2. That, for any or all of such purposes, it may divide the municipality into districts of such number, shape and area as may best suit and carry out the purposes of this Act and within such districts it may regulate and restrict the erection, construction, re-construction, alteration, repair or use of the buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

SECTION 3. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and area; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings, and encourage the use of the most appropriate land throughout such municipality.

SECTION 4. The City Council shall provide for the manner in which such regulations and restrictions, and the boundaries of such district shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction, or boundary, shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of a time and place of such hearing shall be published in an official paper, or a paper of general circulation in said City of Miami Beach.

Supplement

SECTION 5. (As amended 1945) Such regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed, provided, however, that no such amendment, supplement, change, modification or repeal shall become Effective except by the favorable vote of five-sevenths of all of the members of the City Council after notice and public hearing as provided in Section 4 hereof.

SECTION 6. In order to avail itself of the powers conferred by this Act, said City Council shall appoint a commission to be known as the "Zoning Commission" to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its official report; and said City Council shall not hold its public hearings, or take action, until it has received the official report of such zoning commission.

SECTION 7. Said City Council may provide for the appointment of a Board of Adjustment, consisting of five members, each to be appointed for three years. Such Board of Adjustments shall hear and decide appeals from, and review, any order, requirement, decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Act. It shall also hear and decide all matters referred to it, or upon which it is required to pass under any such ordinance. Concurring vote of four members of such Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter in which it is required to pass under any such ordinance, or to effect variation in such ordinance. Every decision of such Board of Adjustment shall, however, be subject to review by certiorari, or writ of error. Such appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the municipality.

Such appeal shall be taken within such time as shall be prescribed by the Board of Adjustment by general rule, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying grounds thereof. The officer from whom the appeal is taken, shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due

notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any person may appear in person or by agent or by attorney. The Board of Adjustment may reverse or confirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision of determination as in its opinion ought to be made in the premises, and to that end shall have all of the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the Board of Adjustment shall have the power, in passing upon appeals, to vary or modify any regulations or provisions of such ordinances relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 8. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land is used in violation of this Act or of any ordinance or other regulation made under the authority conferred thereby, the City Council, in addition to other remedies may institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, construction of land, or to prevent any illegal act, conduct, business or use in or about such premises.

SECTION 9. Wherever the regulations made under the authority of this Act require a greater width or size of yards or courts, or require a lower height of building, or less number of stories, or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under the authority of this Act shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of building, or a less number of stories, or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under the authority of this Act, the provisions of said statute, or local ordinance, or regulation, shall govern.

SECTION 10. If the provisions of this Act shall conflict with any powers or limitations contained in the Charter of said City of Miami Beach, Florida, then such provisions of said Charter shall not apply; but all of the provisions of said Charter shall remain in force except as so far as they may be destructive of the provisions of this Act.

SECTION 11. If any portion, or portions, of this Act be found to be unconstitutional or contrary to any State Law of the State of Florida, except the general laws of the State of Florida, applying to cities and towns, such invalidity shall not affect any other portion or portions of this Act.

SECTION 12. That this Act shall not become effective until after its passage and adoption and the same has been ratified by a majority of the duly qualified electors of the City of Miami Beach, Florida, voting at an election called by said City Council for the purpose of submitting the question of the ratification of this Act to said voters.

Became a law without the approval of the Governor.
Became effective 60 days after adjournment of Legislature
(during first few days of August 1923)

CHAPTER 18693, SPECIAL ACTS, 1937

(H. B. No. 167)

AN ACT affecting the government of the City of Miami Beach and exempting the City of Miami Beach from the provisions of Chapter 16965, Acts of 1935, Laws of Florida, entitled, "An Act providing ways and means for readjusting, refunding and liquidating the indebtedness of any financially embarrassed political subdivision and taxing district in default; for a judicial proceeding to carry out such purpose; for the confirmation and validation of refunding bonds issued by any such taxing district; for the assessment and levy of taxes to pay principal and interest of such refunding bonds; for the assessment and levy of taxes to pay unrefunded bonds or other indebtedness of such political subdivision or taxing district; and for other purposes germane thereto."

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

SECTION 1. That the City of Miami Beach, a municipal corporation in Dade County, Florida, be and the same is hereby exempted from the provisions of Chapter 16965, Acts of 1935, Laws of Florida, entitled, "An Act providing ways and means for readjusting, refunding and liquidating the indebtedness of any financially embarrassed political subdivision and taxing district in default; for a judicial proceeding to carry out such purpose; for the confirmation and validation of refunding bonds issued by any such taxing district; for the assessment and levy of taxes to pay principal and interest of such refunding bonds; for the assessment and levy of taxes to pay unrefunded bonds or other indebtedness of such political subdivision or taxing district; and for other purposes germane thereto."

SECTION 2. This Act shall take effect immediately upon its becoming a law.

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

CHAPTER 18694, SPECIAL ACTS, 1937

(H. B. No. 168)

AN ACT affecting the government of the City of Miami Beach, and exempting the City of Miami Beach from the provisions of Chapter 17401, Acts of 1935, Laws of Florida, entitled "An Act providing that taxes levied by any County, District or Municipality in the State of Florida for the payment of interest and for a sinking fund on bonds or for the payment of any other past due obligation of such County, District or Municipality may be paid in said bonds, the past due interest coupons of said bonds or the said other past due obligations at par which the said taxes have been, may or shall be levied to pay, and providing for the tax collectors or other officers receiving such bonds, interest coupons and/or other obligations to have proper credit therefor."

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

SECTION 1. That the City of Miami Beach, a municipal corporation in Dade County, Florida, be, and the same is hereby exempted from the provisions of Chapter 17401, Acts of 1935, Laws of Florida, entitled, "An Act providing that taxes levied by any County, District or Municipality in the State of Florida for the payment of interest and for a sinking fund on bonds or for the payment of any other past due obligation of such County, District or Municipality, may be paid in said bonds, the past due interest coupons of said bonds or the said other past due obligations at par which the said taxes have been, may or shall be levied to pay, and providing for the tax collectors or other officers receiving such bonds, interest coupons and/or other obligations to have proper credit therefor."

SECTION 2. This Act shall take effect immediately upon its becoming a law.

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

CHAPTER 18696, SPECIAL ACTS OF 1937
(H. B. N. 687)

AN ACT CREATING A CIVIL SERVICE SYSTEM FOR CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF MIAMI BEACH, FLORIDA; CREATING A DEPARTMENT OF PERSONNEL, DEFINING ITS MEMBERSHIP, POWERS AND DUTIES; DESIGNATING THE OFFICERS AND EMPLOYEES WHO ARE WITHIN THE TERMS OF SAID ACT; DEFINING THE CERTAIN TERMS OF SAID ACT; PROVIDING FOR APPOINTMENTS, PROMOTIONS, SUSPENSIONS, REDUCTIONS AND REMOVALS OF OFFICERS AND EMPLOYEES; PROVIDING FOR THE STATUS OF OFFICERS AND EMPLOYEES HOLDING POSITIONS WHEN THIS ACT TAKES EFFECT; PROVIDING FOR A REFERENDUM WHEN SAID ACT SHALL TAKE EFFECT AND OTHER MATTERS RELATING THERETO.

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

SECTION 1. Certain officers and employees of the City of Miami Beach, Florida shall, after the passage and final approval of this Act and its adoption by referendum as hereinafter provided be and are hereby constituted Civil Service Employees of said City and shall be employed, retained, governed, directed and discharged as hereinafter provided.

SECTION 2. DEPARTMENT OF PERSONNEL. There is established a Department of Personnel which shall:

A. Establish and maintain in suitable form a complete roster of the officers and employees in the classified service of the City showing the title of the officer, the position held, salary or wages paid and every change in title, pay or status of each such officer or employee.

B. Certify to the chief finance officer of the City before payments of salary or wages are made that the names of persons holding positions in the classified service to whom it is proposed to make payments for personal services were during the period for which payment is proposed to be made on the roster of officers and employees, that such persons were appointed and employed and were performing services in accordance with the provisions of this Act and the rules and regulations established thereunder, and that the rate of pay proposed has been established in accordance with the provisions of this Act

C. Ascertain and keep written records of the duties, responsibilities and authority appertaining to each office and

position in the classified service of the City.

D. Prepare and recommend to the City Council a classification plan and amendments thereto for the entire classified services of the City, and after adoption by the City Council, administer the classification plan approved. The classification plan recommended to the City Council shall include titles for the various classes of positions. Each class shall include all positions in the classified service of the City which ^{are} sufficiently similar with respect to duties, responsibilities, and authority, so that the same descriptive title may be used to designate each position allocated to the class, that the same requirements as to education, experience, intelligence, general and specialized knowledge, skill, physical condition and other qualifications may be demanded of incumbents for the proper performance of their duties, that the same tests of fitness may be used in choosing qualified appointees, and that the same schedule of pay may be made to apply with equity under the working conditions.

After adoption of the classification plan by the City Council, the Director of Personnel shall adopt written specifications for each class and allocate positions to classes. The class title shall be used in personnel, budget, and financial records and communications, and, if individual positions are designated in the appropriation ordinances, in designating such positions.

E. Prepare at least sixty days before the beginning of each fiscal year, for presentation to the City Council, a pay plan including proposed schedule of pay for each class of positions in the classified service with minimum and maximum rates, and following the adoption of the appropriation ordinances by the City Council, see that payments to officers and employees holding positions in the classified service are made in accordance therewith.

F. Establish re-employment lists for the various classes of positions in the classified service containing the names of persons who have previously been in the classified service of the City whose performance, work habits, and conduct have been satisfactory, and who are entitled to appointment

or employment when vacant positions are to be filled, over those on employment lists.

G. Give preliminary competitive tests to determine as far as possible the relative qualifications of those considered for promotion to higher positions or for entrance to the City classified service, and establish employment lists of persons eligible for appointment in the order of their achievement or performance in such tests. Such tests shall be mental or physical or both and shall be appropriate to the positions to which they apply. Upon recommendation by the Personnel Board, tests may be non-competitive for positions which require peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, or in case the character of work or the conditions of employment or compensation make it impracticable to secure through competitive tests a sufficient number of qualified eligibles to meet the needs of the service.

H. Upon written notice of the appointing authority that a position in the classified service is to be filled, certify the names of the three persons highest on the re-employment or employment list for the class and willing to accept appointment; provided that no name shall be certified from an employment list as long as there is a re-employment list available from which appointments may be made, the Director of Personnel may authorize a provisional appointment to a permanent position to continue until a list can be established and certification made.

I. Establish for each class working test periods of not less than nine months nor more than twelve months to enable the appointing officer to observe whether new officers and/or employees are able and willing to perform their duties in a satisfactory manner.

J. Establish by rule the procedure by which any officer or employee in the classified service may be transferred from a position in one class to another position in the same class or to a position in a different class for which he is qualified and for which no higher maximum rate of pay has been established.

K. Provide by rule, to be approved by the City Council, for the manner of fixing hours of work, checking attendance, making payments for over-time, establishing training courses, determining the order of layoff when forces are reduced because of lack of work or funds, and for handling annual, sick and special leaves of absence with or without pay or with reduced pay.

L. Establish by rule a system of service ratings based on records of attendance, performance, conduct and output of each officer or employee in the classified service and designed as far as may be possible to reflect his worth to the City.

M. Establish by rule procedure in conformity with Section 9 of this Act for making suspensions, reductions, or removals of officers or employees in the classified service for misconduct, inefficiency and other good reasons, and for investigating and hearing the appeals of such suspended, reduced or removed officers or employees.

N. At the request of the City Council, or on the initiative of the Personnel Board, investigate and report upon the administration and effect of the personnel provisions of this ordinance and of the rules and regulations adopted thereunder.

O. Do any other act or acts required under this Act necessary to effect its purposes with respect to persons in the classified service of the City.

It is hereby declared to be the purposes of this Act to authorize and provide a complete, adequate and systematic procedure for handling the personnel matters of the City.

SECTION 3. DIRECTOR OF PERSONNEL. The Director of Personnel shall perform the functions prescribed in Section 2 except as specifically provided in Section 4 of this Act.

SECTION 4. PERSONNEL BOARD. There shall be a Personnel Board consisting of the Director of Personnel who shall act as Chairman, and four other persons, each representing a different vocation, to be known as associate members. The Director of Personnel shall be elected by the City Council and serve during their pleasure. The City Council may by ordinance combine the

office of Director of Personnel with any other appointive office in the unclassified service of the City. The associate members shall be elected by the 5/7 votes of the City Council to serve for terms of one, two, three and four years respectively, to be determined by lot. At the expiration of terms of associate members first appointed under this Act, such members shall be elected to serve for terms of four years in the manner above set forth. No associate member shall during his incumbency hold or be a candidate for any other political office or position and shall not be eligible to qualify for any elective office of the City for a period of two years after he ceases to be a member of such board. Associate members of the Personnel Board may be removed by the City Council if, after written charges have been filed and five days allowed for such associate member to answer such charges, at least five sevenths of the members of the City Council vote for such removal.

The Personnel Board shall:

A. Approve or disapprove or amend in accordance with Section 6 of this Act the personnel rules and amendments thereto as prepared and recommended by the Director of Personnel under the provisions of Section 2 of this Act.

B. Hear appeals in case any officer or employee in the classified service is suspended, reduced or removed in accordance with the procedure prescribed in Section 9 of this Act and the rules made thereunder.

C. Upon its own initiative or upon the request of the City Council, make investigations regarding personnel matters and report in writing its findings and recommendations to the City Council.

SECTION 5. APPLICATIONS OF THE PERSONNEL PROVISIONS.

Personnel provisions of this Act shall apply to all positions and persons in the service of the City except:

- A. All elective officers of the City.
- B. City Manager and Assistant City Manager, if any.
- C. Directors, managers or superintendents of departments or bureaus created by law or ordinance.

- D. Members of unpaid Boards, Commissions and Committees.
- E. Judge and Associate Judges of the Municipal Court.
- F. Attorneys in Legal Department of the City.
- G. Temporary employees whose terms of employment are for a period of less than nine months.
- H. Employees who have not been bona fide residents of the City for at least one year.

Positions listed in this section under subheads A, B, C, D, E, F, G and H shall constitute the unclassified service. All other positions in the service of the City shall constitute the classified service.

SECTION 6. PERSONNEL RULES: The Director of Personnel shall as soon as practicable and in any case within three months after this Act takes effect prepare the personnel rules required by this Act and recommend their adoption by the Personnel Board, and as soon as practicable after such recommendation, the Personnel Board shall approve, amend or disapprove such personnel rules. Amendments to the personnel rules may be made from time to time in the manner above specified. Copies of the personnel rules and of the amendments thereto shall be transmitted by the Director of Personnel to the City Council for approval or disapproval. After approval these rules shall become effective from the date or dates specified therein.

SECTION 7. LIMITATIONS ON APPOINTMENTS. No person shall be appointed to a position in the classified service of the City except after certification by the Personnel Department or except upon authorization of a provisional or temporary appointment; provided, that emergency appointments for a period not to exceed five days may be made without such certification or authorization. No person shall be appointed to or employed in a position in the classified service of the City under any title not appropriate to the duties to be performed.

SECTION 8. PROMOTIONS Vacancies in higher positions in the classified service of the City shall, as far as it is practicable, be filled by promotion from lower classes following competitive tests; provided, that in case the Personnel Board or the City

Council so directs, promotions to higher positions shall be made as the result of competitive tests open not only to City officers and employees serving in lower classes, but also to persons not in the service of the City. A change from a position in any class to a position in another class for which a higher maximum rate of pay is prescribed shall be considered a promotion. The Director of Personnel shall, to the extent he considers such action desirable, indicate the principal or normal lines of promotion from and to each class in the class specifications or in regulations.

SECTION 9. SUSPENSIONS, REDUCTIONS AND REMOVALS. Any officer or employee in the classified service of the City who has not completed his working test period or who is serving under provisional, temporary, or emergency appointment may be suspended, reduced in pay or class, or removed at any time by the officer having power to appoint a successor. A copy of the notice of such suspension, reduction, or removal shall be transmitted to the Personnel Department.

Any officer or employee in the classified service of the City who has been appointed following certification from a re-employment or employment list may be suspended, reduced in pay or class, or removed for cause at any time during the working test period by the officer having power to appoint a successor, by giving him written notice of such suspension, reduction, or removal together with a statement of the reasons therefor. A copy of such statement shall be transmitted to the Personnel Department.

Any officer or employee in the classified service of the City who has completed the working test period may be suspended, reduced in pay or class or removed by the officer having authority to appoint a successor, in the manner prescribed in this section as supplemented by the rules of the Personnel Department. A written notice of the suspension, reduction, or removal, stating the reasons therefor and when it is effective, shall be given to such officer or employee or mailed to his usual place of residence. Such officer or employee within five business days after the delivery or mailing to him of such written notice may

appeal in writing to the Personnel Board for a hearing. The Personnel Board shall immediately fix a place and a time not later than five business days after such appeal for holding a public hearing, at which the officer or employee suspended, reduced or removed shall have the right to appear and be heard in person. The Personnel Board may, at the request of the officer ordering the suspension, reduction or removal, or of the officer or employee whose suspension, reduction or removal has been ordered, call other persons for the purpose of ascertaining the facts. The Personnel Board may take any further investigation which it thinks proper. Within forty-eight hours after the completion of the public hearing or such investigation, the Personnel Board shall report its findings which shall be conclusive. A copy of the written statement given the officer or employee, a copy of any written reply thereto and a copy of the findings of the Personnel Board shall be filed as a public record in the office of the Personnel Department.

SECTION 10. STATUS OF OFFICERS AND EMPLOYEES HOLDING POSITIONS

WHEN THIS ACT TAKES EFFECT. Any person holding an office or position in the classified service of the City when this ordinance takes effect who shall have served in such position for a period of at least nine months immediately preceding, shall be retained without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this Act. Other persons in the City service at the time this Act takes effect shall be regarded as holding their positions under provisional appointments.

SECTION 11. CERTIFICATION OF PAYROLLS. No public disbursing officer shall pay any salary, wages or other compensation for personal services to any persons holding positions in the classified service of the City unless the payroll or account shall bear the certificate of the Director of Personnel or his deputy appointed by the City Council that such persons were appointed or employed and were performing service in accordance with the provisions of this Act and the rules and regulations established thereunder.

SECTION 12. OATHS For the purpose of the administration of the personnel provisions of this Act, any member of the Personnel Board shall have the power to administer oaths.

SECTION 13. INFORMATION, REPORTS AND ACCESS TO PREMISES AND RECORDS. Every officer or employee in the service of the City shall furnish the Director of Personnel any information required by him in the administration of the personnel provisions of this Act and the rules and regulations made thereunder and shall allow members of the Personnel Board and members of the staff of the Personnel Department reasonable access to premises, buildings and records under his charge and direction.

SECTION 14. POSITIONS ABOLISHED, DISCONTINUED OR VACATED. An employee in a position in the classified service that is to be abolished, discontinued or vacated because of change in departmental organization or through stoppage or lack of work shall be laid off and his name placed, in the order provided in the rules of the Personnel Board, on the eligible list for the class of the position from which he was laid off.

SECTION 15. PROHIBITIONS. No person in the classified service of the City or seeking admission thereto shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made under the personnel provisions of this Act or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. No officer or employee in the classified service of the City shall continue in such position after becoming a candidate for nomination or election to any public office. No person seeking appointment to or promotion in the classified service of the City shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion or proposed promotion. No person shall orally, by letter or otherwise solicit

or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the City. No person holding a position in the classified service of the City shall take any part in the management, affairs or political campaign of any political party or person further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

Any person who himself or with others willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than five dollars nor more than five hundred dollars, or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the City service, and shall, if he be an officer or employee of the City, immediately forfeit the office or position he holds.

SECTION 16. This act shall not become effective until a majority of the qualified voters of the City of Miami Beach, Florida voting on the same at a special or general election called for such purpose, shall vote in favor thereof. Said election shall be held and conducted in substantial conformity as to the manner of holding and conducting other elections in said City, so far as the same is applicable. The form of ballot to be used at such election shall be fixed by the City Council of the City of Miami Beach, Florida, and the caption of this Act shall be a sufficient statement on said ballot of the purpose for which said ballot is cast.

SECTION 17. This Act shall be liberally construed and if any clause or section herein shall for any reason be held invalid, the same shall be eliminated and the remaining portions herein shall be and remain in full force and effect as if such invalid clause, provision or section had not been incorporated herein.

SECTION 18. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 19. This act shall take effect immediately upon its being signed by the Governor or upon its becoming a law without his signature.

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

SECTION 1: (As amended 1947) The City Council of the City of Miami Beach shall have authority to establish by ordinance a pension and retirement system for any or all groups of officers and employees in the service of said City. Any system so established may provide for disability and death benefits. Any such pension and retirement system shall be established on a jointly contributory basis, with the officers and employees bearing one-third and the City two-thirds of the cost, except as to amounts credited for service rendered by an officer or employee prior to January 1, 1943, amounts required to furnish minimum retirement allowances, amounts required to pay retirement allowances and pensions beyond the life expectancy of the officer or employee, and amounts required to pay interest on contributions made by officers or employees, the cost of all of which required amounts may be borne entirely by the City. The cost of the system shall be determined actuarially on the basis of such mortality and service tables as the Pension Board shall approve and shall be calculated and contributed as a uniform or decreasing percentage of the payroll of members. No system requiring an increasing percentage of the payroll to be paid as the contribution of either the members or the City shall be established. Provided, however, that said system may contain provisions whereby employees may, at their option, make greater contributions than the compulsory contributions provided for, in consideration whereof such employees shall receive additional and special benefits, which shall be fixed and determined by ordinance, and in the event of the exercise of such option by an employee, no additional contributions shall be made by the City to defray the costs of any such special benefits, except that the City shall contribute the amount necessary so that interest at the same rate as may be provided for interest on the compulsory contributions, may be paid on the voluntary contributions made by the employees for such special benefits. In no event shall the required contributions and the voluntary contributions exceed ten per cent of the salary or wage of the contributing member. The provisions of the ordinance establishing such a pension and retirement system shall require periodic actuarial evaluations which shall serve as the basis of any changes in the mortality and other experience tables, and shall also provide for the maintenance at all times of adequate reserves. Any officer or employee of the City at the time of the establishment of such system shall have for a reasonable time thereafter the privilege of becoming a member of the system so established and to share its benefits. Officers and employees thereafter appointed in the classified service shall be required to join the system as a condition of employment. Any system established under this act shall provide that any employee

CHAPTER 18691, Laws of 1937
(As amended by Legislature 1943 and 1947.)

AN ACT to authorize the City Council of the City of Miami Beach, Florida, to establish by ordinance a pension, annuity and retirement system for any or all groups of officers and employees in the service of said City; to provide for disability and death benefits; to provide for contribution to the costs thereof on an actuarial basis; providing for the manner in which officers and/or employees may come under the operation of said system; providing for repayment to members leaving the service of the City; providing for the investment of funds created under said system; providing for the administration of said system; and providing for the submission of said ordinance to referendum of qualified voters of said City; when said Act shall take effect and other matters relating thereto.

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

SECTION 1: (As amended 1947) The City Council of the City of Miami Beach shall have authority to establish by ordinance a pension and retirement system for any or all groups of officers and employees in the service of said City. Any system so established may provide for disability and death benefits. Any such pension and retirement system shall be established on a jointly contributory basis, with the officers and employees bearing one-third and the City two-thirds of the cost, except as to amounts credited for service rendered by an officer or employee prior to January 1, 1948, amounts required to furnish minimum retirement allowances, amounts required to pay retirement allowances and pensions beyond the life expectancy of the officer or employee, and amounts required to pay interest on contributions made by officers or employees, the cost of all of which required amounts may be borne entirely by the City. The cost of the System shall be determined actuarially on the basis of such mortality and service tables as the Pension Board shall approve and shall be calculated and contributed as a uniform or decreasing percentage of the payroll of members. No system requiring an increasing percentage of the payroll to be paid as the contribution of either the members or the City shall be established. Provided, however, that said System may contain provisions whereby employees may, at their option, make greater contributions than the compulsory contributions provided for, in consideration whereof such employees shall receive additional and special benefits, which shall be fixed and determined by ordinance, and in the event of the exercise of such option by an employee, no additional contributions shall be made by the City to defray the costs of any such special benefits, except that the City shall contribute the amount necessary so that interest at the same rate as may be provided for interest on the compulsory contributions, may be paid on the voluntary contributions made by the employees for such special benefits. In no event shall the required contributions and the voluntary contributions exceed ten per cent of the salary or wage of the contributing member. The provisions of the ordinance establishing such a pension and retirement system shall require periodic actuarial evaluations which shall serve as the basis of any changes in the mortality and other experience tables, and shall also provide for the maintenance at all times of adequate reserves. Any officer or employee of the City at the time of the establishment of such system shall have for a reasonable time thereafter the privilege of becoming a member of the system so established and to share its benefits. Officers and employees thereafter appointed in the classified service shall be required to join the system as a condition of employment. Any System established under this Act shall provide that any employee

permanently separating from the service of the City for any reason shall receive from the funds of the System a sum at least equal to his contribution.

SECTION 2. All monies paid into any pension or retirement system created by this Act except such monies as are necessary to meet current operating or pension or retirement payments shall be invested in City of Miami Beach or United States Government Bonds.

SECTION 3. Any pension and retirement system established under this Act shall be administered by a Pension Board of seven members, four of whom shall be appointed by the City Council and three to be elected by employees who are members of the pension system. Such election shall be held under such rules as the City Council shall prescribe.

SECTION 4. No ordinance enacted under the provisions of this Act which makes mandatory any contributions, other than contributions by the City of Miami Beach for the purpose of paying interest on contributions made by employees, shall become effective until a majority of the qualified voters of the City of Miami Beach voting on the same at a special or general election called for such purpose shall vote in favor thereof. Said election shall be held and conducted in substantial conformity with the manner of holding and conducting other elections in said City. The form of ballot to be used at said election shall be fixed by the City Council of the City of Miami Beach, Florida.

SECTION 5. This Act and the ordinance herein provided for shall be liberally construed and if any clause and section hereof or thereof shall for any reason be held invalid, the same shall be eliminated and the remaining portions hereof and thereof shall be and remain in full force and effect as if such invalid clause, provision or section had not been incorporated herein or therein.

SECTION 6. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 7. This Act shall take effect immediately upon its being signed by the Governor or upon its becoming a law without his signature.

CHAPTER 21401,
SPECIAL ACTS 1941
(H. B. No. 1014)

AN ACT to authorize the City of Miami Beach to construct, build, erect, purchase, extend, replace, acquire, any one or more or any combination of the following: abattoirs, airports, auditoriums, bridges, tunnels, buildings, hospitals, viaducts, city and town halls, community houses, sanitarium, dispensaries, jails, ice plants, pre-cooling and cold-storage plants, warehouses, water works systems, including new water lines, dredging and deepening harbors and channels, jetties, breakwaters, public landings, wharves, docks, and other improvements for harbors and shipping facilities, markets, memorials, automobile parking lots, parks, including recreational facilities, playgrounds, recreation centers, bathing beaches with necessary improvements, structures, buildings, piers, public buildings and plazas, reservoirs, schools, sewers, sewage or drainage systems and sewage disposal or treatment plants, stadiums, streets, roads, avenues, alleys and highways, sidewalks and curbs, gutters and storm-water sewers or drains, harbor and port facilities, toll bridges or causeways, swimming pools, as defined in Section 1 of this Act; to issue bonds for the purpose of constructing, erecting, extending, acquiring or purchasing of any one of the municipal projects; providing that bonds may be payable from taxes or payable exclusively from the revenue of such municipal projects; and if payable exclusively from revenue, denying all powers of taxation in connection therewith; providing for the procedure for the issuance of such bonds with or without an election; providing for the securing of payment of said bonds issued in pursuance to this Act; providing for the sale of said bonds and terms, interest rates and how payable and how enforced, providing for their validation; providing that the powers conferred by this Act are supplemental and in addition to the powers now enjoyed and vested in the City of Miami Beach, and providing that if any of the provisions of this Act are held to be unconstitutional and invalid it shall not affect the remainder of this law.

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

SECTION 1. That for the purpose of this Act the term "Municipal Project" shall cover only any one or more or any combination of the following: abattoirs, airports, auditoriums, bridges, tunnels, buildings, hospitals, viaducts, city and town halls, community houses, sanitarium, dispensaries, jails, ice plants, pre-cooling and cold-storage plants, warehouses, water works systems, including new water lines, dredging and deepening harbors and channels, jetties, breakwaters, public landings, wharves, docks, and other improvements for harbors and shipping facilities, markets, memorials, automobile parking lots, parks, including recreational facilities, playgrounds, recreation centers, bathing beaches with necessary improvements, structures, buildings, piers, public buildings and plazas, reservoirs, schools, sewers, sewage or drainage systems and sewage disposal or treatment plants, stadiums, streets, roads, avenues, alleys and highways, sidewalks and curbs, gutters and storm-water sewers or drains, harbor and port facilities, toll bridges or causeways, swimming pools, as defined in this section; and all property real and personal, appurtenant thereto or connected with such work, undertaking or project and the existing work, undertaking or project, if any, to which such work, undertaking or project is an extension, addition, betterment or improvement.

(a) The term "to construct" shall mean to build, to construct, to reconstruct, to erect, to replace, to extend, to repair, to better, to equip, to develop, to embellish, to improve, to acquire by gift, purchase or the exercise of the right of eminent domain, or any one or more or all of the foregoing.

(b) The term "construction" shall mean building, construction, reconstruction, erection, replacement, extension, repairing, betterment, equipment, development, embellishment, improvements, acquisition, by gift, purchase, or the exercise of the right of eminent domain, or any one or more or all of the foregoing.

SECTION 2. The City of Miami Beach shall have power and is hereby authorized:

(a) To construct any municipal project, as defined in Section 1 hereof, within or without the municipality, or partially within and partially without the municipality.

(b) To operate and maintain any municipal project for public and private users and consumers within and without the municipality.

(c) To issue bonds as provided in this Act to finance such construction, and to provide for the rights of the holders of the bonds and to secure the bonds all as hereinafter provided.

(d) To enter into a trust agreement with any bank or trust company within or outside the state, in connection with the construction of a project and in order to secure bonds payable exclusively from revenues which are issued in connection therewith.

(e) To fix, levy and collect fees, rents, tolls, or other charges for the use of or in connection with any municipal project, and in the event any trust agreement with holders of bonds shall be made as hereinafter provided, to fix, levy and collect such fees, rents, tolls and other charges in accordance with such agreements and subject thereto.

(f) To acquire by purchase, gift or the exercise of the right of eminent domain and to hold and dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property, in connection with any municipal project, whether or not subject to mortgages, liens, charges or other encumbrances, and to construct any municipal project subject thereto, and whether within or without the municipality, or partially within and partially without the municipality.

(g) To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of any municipal project.

(h) To perform any acts authorized under this law through or by means of its own officers, agents, and employees, or by contracts with private corporations, firms or individuals.

(i) To award any contract for the construction of any municipal project or any part thereof upon any day at least fifteen days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality.

(j) To do all acts and things necessary or convenient to carry out the powers expressly given in this law.

SECTION 3. Before any bonds are issued under this law, the City Council of the City of Miami Beach shall adopt a resolution (herein referred to as the "initial resolution") determining to issue the bonds, which resolution shall state in substance (a) the amount of maximum amount of bonds to be issued; (b) the purpose or purposes for which such bonds are to be issued; (c) the rate or maximum rate of interest which such bonds are to bear; (d) a brief concise statement of the fact whether such bonds will be payable (1) exclusively from revenues, and if so payable the resolution shall provide that the City of Miami Beach shall have no power to levy or to pledge any form of taxation for the payment of such bonds, or (2) exclusively from taxes, or (3) from revenues, and in the event of a deficiency in such revenues from taxes, or (4) from taxes and additionally secured by a pledge of revenues. In determining the cost of any municipal project, the following items may be included as a part of the cost of such municipal project and financed by the issuance of the bonds; (a) engineering, inspection, accounting, fiscal and legal expenses; (b) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses; (c) any interest costs during the period of construction of such municipal project and for six months thereafter on money borrowed or estimated to be borrowed.

SECTION 4. No holder or holders of any bonds payable exclusively from the revenue of a municipal project shall ever have the right to compel any exercise of taxing power of the City of Miami Beach to pay said bonds or the interest thereon, and the issuance of bonds payable exclusively from revenues shall not directly or indirectly or contingently obligate the City of Miami Beach to levy or pledge any form of taxation whatever therefor. Each such bond issued under this law shall recite in substance that said bond including interest thereon, is payable from the revenue pledged to the payment thereof, and that the holder of said bonds shall have no recourse to the power of taxation.

SECTION 5. No election shall be required for the issuance of bonds by the City of Miami Beach under this Act if the initial resolution authorizes the issuance of bonds payable exclusively from the revenue of a municipal project.

SECTION 6. If the initial resolution authorizes the issuance of bonds not payable exclusively from the revenue of a municipal project, such bonds may be issued only after the issuance of such bonds shall have been approved by a majority of the vote cast at an election at which a majority of the freeholders who are qualified electors, residing in the City of Miami Beach shall participate. Such election shall be called and held as provided for by law.

SECTION 7. At any time before delivering any bonds to be issued pursuant to this law not payable exclusively from the revenue of a municipal project, the City Council of the City of Miami Beach shall adopt a resolution (herein called the "tax resolution") which shall recite in substance that adequate provision will be made for raising annually by tax upon all property subject to taxation by the City of Miami Beach a sum sufficient to pay the interest on and principal of such bonds as the same shall become due. A tax sufficient to pay when due such principal and such interest shall be levied annually and assessed, collected and paid, in like manner with the other taxes of the City of Miami Beach and shall be in addition to all other taxes authorized or limited by law. It shall be the duty of the City Council of the City of Miami Beach to include in the annual levy a tax sufficient to pay the interest on and principal of such bonds as the same become due; provided, however, that if the bonds are payable from taxes only in the event of a deficiency in revenues or are payable from taxes and additionally secured by a pledge of revenues, and if the tax resolution shall so provide, then in such events, the tax to be levied and assessed by the City Council of the City of Miami Beach may be reduced by such amount and under such conditions as may be determined in such tax resolution. When for any reason all or any part of the principal of or interest on any bonds issued by the City of

Miami Beach pursuant to this law, not payable exclusively from the revenues of a municipal project, shall not be paid when due there shall be levied and assessed by the City of Miami Beach and collected by the proper collecting officers at the first assessment, levy and collection of taxes in the City of Miami Beach, after such omission or failure, a tax sufficient to pay the same.

SECTION 8. The bonds may be issued under this Act in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may bear interest at such rate or rates, not exceeding five per centum per annum, payable semi-annually, may be in such denomination; may be in such form, either coupon or registered, may be payable at such place or places, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms or redemption, with or without premium, and may be declared or become due before the maturity date thereof, as may be provided by resolution of the City Council of the City of Miami Beach. The bonds authorized to be issued by this law shall be sold in the manner provided by law. The bonds may be sold in any such manner and for such price as the City Council of the City of Miami Beach may by resolution determine to be for the best interests of the City, but no bonds shall be sold at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any redemption premium. The bonds shall be fully negotiable for all purposes. All bonds issued under the provisions of this Act shall have, and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments laws of the State of Florida. Bonds issued under this law bearing the signature of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof any or all the persons whose signature appears thereon shall have ceased to be officers of the City of Miami Beach. Pending the preparation or delivery of the definitive bonds for the purpose of financing the construction of a municipal project, interim certificates or other temporary obligations may be issued by the City of Miami Beach to the purchaser of such bonds. Such interim certificates or other temporary obligations shall be in such form and contain such terms, conditions and provisions as the City Council of the City of Miami Beach may determine. At any time after the bonds have been delivered to the purchaser thereof such bonds may be repurchased by the City of Miami Beach at a price not more than the principal amount thereof plus the accrued interest, and all bonds so purchased shall be cancelled.

In the event the City of Miami Beach has heretofore acquired a project and has outstanding its revenue bonds or certificates payable from the revenues of such project, and in the further event the City of Miami Beach shall desire to construct additions, extensions, improvements or betterments to such project or to acquire by purchase or to construct an additional project of the same class and to combine such additional project with the project heretofore purchased or constructed, and to refund such outstanding bonds or certificates, the City of Miami Beach may provide for the issuance of a single issue of bonds payable exclusively from revenues under the provisions of this Act for the combined purposes (a) of refunding such revenue bonds or certificates then outstanding if they shall then be subject to redemption or can be acquired for retirement and (b) of constructing such additions, extensions, improvements or betterments or of acquiring by purchase or of constructing such additional project of the same class, and the principal and interest of such bonds shall be payable solely from the revenues derived from the operation of the combined projects.

SECTION 9. The City Council of the City of Miami Beach issuing bonds payable exclusively from the revenue of a municipal project shall prescribe and collect reasonable rates fees or charges for the services, facilities and commodities of such municipal project, and shall revise such rates, fees or charges from time to time whenever necessary so that such municipal project shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise incumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such municipal project, including reserves therefor.

SECTION 10. (1) Bonds other than bonds payable exclusively from the revenue of a municipal project shall not be issued by the City of Miami Beach in an amount, together with bonds issued under this law and bonds heretofore issued by the City of Miami Beach which shall exceed fifteen per centum of the assessed value of the taxable property of the City of Miami Beach according to the last assessment for municipal purposes prior to the issuance of such bonds; (2) bonds payable exclusively from the revenue of a municipal project may be issued under this law notwithstanding and without regard to any limitation on indebtedness prescribed by this or any other law; (3) bonds other than bonds payable exclusively from the revenue of a municipal project, issued by the City of Miami Beach under this law shall be considered in computing the amount of indebtedness which the City may incur under any other law; and (4) bonds payable exclusively from the revenue of a municipal project issued by the City of Miami Beach under this law, shall not be considered in computing the amount of indebtedness which the City of Miami Beach may incur under any other law.

SECTION 11. In order to secure the payment of any of the bonds issued pursuant to this law and interest thereon, or in connection with such bonds, the City of Miami Beach shall have power as to such bonds:

(a) To pledge the full faith and credit and unlimited taxing power of the City to the punctual payment of the principal of and interest on such bonds.

(b) To pledge all or any part of the fees, rent, tolls or other charges received or receivable by the City of Miami Beach from any municipal project then existing or thereafter to be constructed to the punctual payment of bonds issued for such municipal project, and interest thereon, and to covenant against thereafter pledging any such fees, rents, tolls, or charges to any other bonds or any other obligations of the City of Miami Beach for any other purpose.

(c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.

(d) To provide for the replacement of lost, destroyed or mutilated bonds.

(e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.

(f) To covenant as to the fees, rents or tolls to be charged in connection with the municipal project for which such bonds are to be issued and as to the use and disposition to be made thereof.

(g) To covenant to set aside or pay reserves and sinking funds for such bonds and as to the disposition thereof.

(h) To redeem such bonds, and to covenant for their redemption, and to provide the terms and conditions thereof.

(i) To covenant as to its books of account and as to the inspection and audit thereof and as to the accounting methods.

(j) To make covenants other than, and in addition to, the covenants herein authorized.

(k) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties, including trust indentures to secure bonds payable exclusively from revenues.

(l) To make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure such bonds, or in the absolute discretion of the City Council of the City of Miami Beach tends to make such bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein; it being the purpose hereof to give the City of Miami Beach power to do all things in the issuance of the bonds and for their security that may be consistent with the Constitution of the State of Florida.

SECTION 12. Any holder or holders of the bonds, shall have the right in addition to all other rights:

(a) By mandamus or other suit, action or proceedings in any court of competent jurisdiction to enforce his or their rights against the City, and the City Council of the City of Miami Beach, and any officer, agent or employee of the City, including, but not limited to, the right to require the City and the City Council and any proper officer, agent or employee of the City to assess, levy, and collect taxes, and to fix and collect fees, rents, tolls, or other charges adequate to carry out any agreement as to, or pledge of, such taxes, fees, rents, tolls or other charges, and to require the City and the City Council and any officer, agent or employee of the City of Miami Beach to carry out any other covenants and agreements and to perform its and their duties under this law;

(b) By action or suit in equity to enjoin any acts or things which may be unlawful or in violation of the rights of such holder of bonds.

SECTION 13. All action required or authorized to be taken under this law by the City Council of the City of Miami Beach, may be by resolution, which resolution may be adopted at the meeting of the City Council at which such resolution is introduced; and shall take effect immediately upon such adoption. Except as otherwise provided in this law, no resolution under this law need be published or posted, nor shall any such resolution require for its passage more than a majority of all the members of the City Council then in office.

SECTION 14. Any resolution authorizing bonds under this law may provide that such bonds shall contain a recital that they are issued pursuant to this law, which recital shall be conclusive evidence of their validity and the regularity of their issuance. Bond to be issued under this law may be validated as provided in Article 7 of Chapter XI of Title III of the Second Division of the Compiled General Laws of Florida, 1927, and amendments thereto.

SECTION 15. The powers conferred by this law shall be in addition and supplemental to and the limitations imposed by this law shall not affect, the powers conferred by any other law and not in substitution for the powers conferred by any other law. Bonds may be issued hereunder for any municipal project notwithstanding that any other law may provide for the issuance of bonds for like purposes and without regard to the requirements, restrictions or procedural provisions contained in any other law. Any proceedings heretofore taken by the City

of Miami Beach relating to the subject matters of this law, whether or not commenced under any other law, may be continued under this law, or, at the option of the City Council of the City of Miami Beach, may be discontinued and new proceedings instituted under this law.

SECTION 16. If any provisions of this law, or the application of such provisions to any person, body or circumstance shall be held invalid, the remainder of this law, or the application of such provisions to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

SECTION 17. This Act shall take effect upon its becoming a law.

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SECTION 1. The City Council of the City of Miami Beach, Florida, shall have authority to establish by ordinance a reorganization and a new system of classification of all grades of officers and employees in the service of said City. Any such reorganization and classification system shall be established on a fully retroactive basis with the officers and employees bearing one-half and the City one-half of the cost. The cost of the application of such ordinance shall be each party to the ordinance.

Any officer or employee of the City who is employed at the time of the reorganization and classification system is adopted, shall have, for a period of one year after the date of the adoption of such ordinance, the same rights, benefits, and privileges as if the ordinance had not been adopted. When an officer or employee is transferred to another position, his seniority shall be determined by the date of his employment.

SECTION 2. All wages paid into any retirement fund shall be deposited in a separate account under the name of the employee or his beneficiary. The account shall be in the name of the City of Miami Beach or United States Government.

SECTION 3. Any application for a new benefit system shall be identical to the application for the existing system of the City of Miami Beach, Florida, and shall be administered and controlled by the City of Miami Beach or United States Government.

SECTION 4. No ordinance shall be passed which provides for the establishment of a new benefit system for any class of qualified persons of the City of Miami Beach, Florida, until the City Council has approved a plan for such purpose, which plan shall be in favor of the City. The plan shall be held and approved in substance and effect by the Council of the City of Miami Beach. The cost of such plan shall be paid by the City Council of the City of Miami Beach, Florida.

SECTION 5. This act and the ordinance hereby provided for shall be liberally construed and if any clause or section hereof or thereof shall be held invalid, the remaining provisions hereof and thereof shall remain in full force and effect, as though such invalid clause or section had not been incorporated herein or thereinto.

SECTION 6. This act shall have effect immediately upon its becoming a law.

CHAPTER 22399, LAWS OF 1943

(H. B. No. 637)

AN ACT authorizing the City Council of the City of Miami Beach, Florida, to Establish by Ordinance a Hospitalization and Sick Benefit System for any or all groups of officers and employees in the service of said City; to provide for hospitalization and sick benefits; to provide for contribution to the cost thereof on an actuarial basis; providing for the manner in which officers and employees may come under the operation of said system; providing for the investment of funds created under said system; providing for the administration of said system and providing for the submission of said ordinance to referendum of qualified voters of said City.

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

SECTION 1. The City Council of the City of Miami Beach, Florida, shall have authority to establish by ordinance a hospitalization and sick benefit system for any or all groups of officers and employees in the service of said City. Any such hospitalization and sick benefit system shall be established on a jointly contributory basis with the officers and employees bearing one-half and the City one-half of the cost. The cost of the system shall be determined actuarially in such manner as the Council shall approve.

Any officer or employee of the City, whether employed at the time of the establishment of such system or thereafter employed, shall have, for a reasonable time to be fixed by ordinance, the privilege of becoming a member of the system so established and to share its benefits, provided, however, that when an officer or employee shall have become a member, membership thereafter shall be compulsory throughout his employment.

SECTION 2. All monies paid into any hospitalization and sick benefit system created under this Act, except such monies as are necessary to meet current operating or hospitalization or sick benefit payments, shall be invested in the City of Miami Beach or United States Government bonds.

SECTION 3. Any hospitalization and sick benefit system established under this Act shall be administered by the identical Board appointed under the provisions of Chapter 18691, Laws of Florida, Acts of 1937, to administer any pension, annuity and retirement system now in existence or hereafter created as authorized by said Chapter.

SECTION 4. No ordinance enacted under the provisions of this Act shall become effective until a majority of the qualified voters of the City of Miami Beach, Florida, voting on the same at a special or general election called for such purpose, shall vote in favor thereof. Said election shall be held and conducted in substantial conformity with the manner of holding and conducting other elections in said City. The form of ballot to be used at said election shall be fixed by the City Council of the City of Miami Beach, Florida.

SECTION 5. This Act and the ordinance herein provided for shall be liberally construed and if any clause or section hereof or thereof shall for any reason be held invalid, the remaining portions hereof and thereof shall be and remain in full force and effect as though such invalid clause or section had not been incorporated herein or therein.

SECTION 6. This Act shall take effect immediately upon its becoming a law.

SENATE BILL NO, 688

AN ACT Authorizing and Empowering the City of Miami Beach, in Dade County, Florida, by Ordinance of its City Council, to Limit the Number of Licenses Granted by the City of Miami Beach, Florida, for the Sale of Intoxicating Beverages within its Corporate Limits by Vendors Operating Places of Business Where Beverages Containing Alcohol of More than Fourteen per Centum by Weight are Sold, to one such License for each Fifteen Hundred Persons in the City of Miami Beach, According to the Last Preceding Federal Census, and Providing that any such licenses issued to or held by Operators of railroads, Sleeping Cars, Steamships, Buses and Airplanes, Incorporated Clubs, Including Social Clubs, Caterers at Horse and Dog Racing Plants, as Defined in the Beverage Law of the State of Florida, Hotels Having One Hundred or More Guest Rooms and Bona Fide Restaurants with a seating Capacity for Six Hundred or more Patrons and in which the Roofed in Floor Area Wherein Food is Served to Guests Contains Not less than Forty-eight Hundred Square Feet, shall not be considered nor counted in arriving at the Number of such licenses to be issued by said City by Virtue of any Ordinance adopted under the Provisions Hereof and Providing That no such Limitation by Ordinance Shall affect or Prevent the Renewal or Transfer of Such Licenses as May be in Effect on the Effective Date Hereof.

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

SECTION 1. The City of Miami Beach in Dade County, Florida, is hereby authorized and empowered, by ordinance of the City Council of said City, to limit the number of licenses, which shall be granted by said City for the sale of intoxicating beverages within its corporate limits by vendors operating places of business where beverages containing alcohol of more than fourteen per centum by weight are sold, to one license for each fifteen hundred persons in said City according to the last preceding Federal Census, and said City is hereby authorized and empowered by ordinance of its City Council to provide that no licenses shall be issued to any applicants therefor, for the sale, within the corporate limits of said City, of intoxicating beverages of more than fourteen per centum by weight, in excess of one license for each fifteen hundred persons in the City according to the last preceding Federal Census.

SECTION 2. Any ordinance passed and adopted hereunder by said City of Miami Beach, or on its behalf by its City Council, shall exclude from its operating and shall take no account of and shall not consider nor affect nor prohibit the issuance of licenses for the sale of intoxicating liquors of more than fourteen per centum by weight, in hotels having one hundred or more guest rooms, in restaurants with a seating capacity for six hundred or more patrons and in which the roofed in floor area provided for dining tables and chairs in the room or portion of said restaurant wherein food is served to guests is not less than forty-eight hundred square feet, in or on railroad property, including sleeping, dining, club, and other cars, in or on steamships, buses and airplanes, where properly licensed by state or other lawful authority, incorporated clubs, including social clubs, in horse or dog racing plants, properly licensed and authorized to operate by state authority, and no license issued for the sale of intoxicating liquors of more than fourteen per centum by weight in any of the places mentioned in this section shall be counted or considered in arriving at the number of such licenses to be issued under any ordinance adopted by the authority of Section 1 of this Act.

SECTION 3. No ordinance adopted pursuant to the provisions of this Act shall restrict or prohibit the renewal from year to year by the City of Miami Beach, Florida, or the transfer from one holder to another of licenses issued prior to the effective date of this Act for the sale of beverages containing alcohol of more than fourteen per centum by weight under such regulations as shall be prescribed by said City.

SECTION 4. Nothing in this Act shall be taken to restrict or limit the right of the City of Miami Beach, Florida, to regulate the liquor business within its corporate limits as now or hereafter permitted by law, the purpose hereof being to grant to said City additional authority of regulation by limiting the number of liquor licenses of the class mentioned in this Act in number to a certain ratio of the population of said City as it may exist from time to time.

SECTION 5. If any word, phrase, clause, sentence or paragraph of this Act shall hereafter be held unconstitutional, the remaining parts of this Act shall continue in full force and effect as though said unconstitutional part thereof had never been included herein.

SECTION 6. All laws or parts of laws in conflict herewith are hereby repealed.

SECTION 7. This Act shall take effect upon its passage and approval by the Governor or upon its becoming a law without such approval.

CHAPTER 23413, SPECIAL ACTS, 1945

SENATE BILL NO. 504

AN ACT Authorizing and Empowering the City of Miami Beach, Florida, to Construct and Erect a Hospital, a Library, an Auditorium and Other Public Buildings, Upon the Property Owned by Said City Located Therein and Known as "Miami Beach Municipal Golf Course."

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

SECTION 1. That the City of Miami Beach, Florida, be and it is hereby authorized and empowered to construct and erect a hospital, a library, an auditorium and other public buildings, upon the property owned by said City located therein and known as "Miami Beach Municipal Golf Course."

SECTION 2. That this Act shall become effective immediately upon its becoming a law.

POLICE AND FIREMEN'S PENSION ACT
CITY OF MIAMI BEACH, FLORIDA
CHAPTER 23414 (as amended), LAWS OF FLORIDA, ACT OF 1945
(as amended in 1947)

AN ACT creating in the City of Miami Beach a system of pensions for disability and retirement from service of members of Police and Fire Departments employed by appointment or otherwise in said Department in said City, and to provide a fund in said City to be known as the City Pension Fund for Firemen and Policemen and providing further for the creation of a Board of Trustees in said City, prescribing the powers and duties of such Board, providing for the payment of certain sums to all persons employed in the Fire and Police Departments in said City as shall have retired and have been retired and their dependents, to further prescribe the qualifications as to who shall be eligible and who shall receive a pension under this Act; providing for the investment and safekeeping of the funds created under this Act; providing for the regulation of the subject of pensions to all persons entitled to receive the same and to provide rules and regulations for the administration of the fund created hereunder; providing for the levy of Ad Valorem and Excise taxes for said Pension Fund; and providing for the enforcement of this Act; and providing for the submission of said Act to a referendum of the qualified voters of said City.

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

Section 1. There is hereby created a special fund to be known as the City Pension Fund for Firemen and Policemen in the City of Miami Beach; said fund to be used exclusively for the purpose provided for in this Act, which fund shall be collected, administered and disbursed according to the provisions of this Act.

Section 2. The said Pension Fund shall consist of monies derived from the following sources:

1. There shall be transferred to the Pension Fund of this System all monies paid by the City into any other pension and Retirement System of the City on account of employees of the Police and Fire Departments who are eligible for Membership in this System at the effective date of this Act and who elect to become members according to the terms of this Act. The funds so transferred, together with interest thereon to the date of transfer, shall be credited against the City's liability for creditable service prior to the effective date of this Act of persons who become members of the System created hereby.

2. During the period extending from the commencement of the operation of the System under this Act to and including the 30th day of September, 1947, the City shall levy and collect annually, in the manner provided by law, upon all taxable property within said City, one (1) mill on the assessed value thereof, and the taxes so levied and collected shall be paid into the fund created by this Act and credited against the City's liability for creditable service prior to the effective date of this Act of Persons who become members of the System created hereby.

3. After September 30th, 1947, the City shall pay into the fund of the System created by this Act, in annual payments, such amount as will, together with the monies transferred under the provisions of Paragraph 1 of this Section, and the proceeds of the annual levy provided for in Paragraph 2 of this Section, amortize the City's liability for creditable service prior to the effective date of this Act of persons who become members of the System created hereby, at a uniform rate over a period of thirty (30) years, together with three (3) per cent interest on the unpaid balances of such prior service liability.

4. At the end of each City of Miami Beach fiscal year the City shall pay into the funds of the System created by this Act such amount as is required, in addition to the personal contributions of the members, to fully amortize the liability for pensions incurred during said fiscal year computed on the basis of 3% interest compounded annually.

5. At the end of each City of Miami Beach fiscal year after September 30, 1947, the City shall pay into the funds of the System created by this Act such amounts as may be required in addition to investment return, to provide interest at 3% per annum on the funds of the System, provided, that should the investment returns in any fiscal year exceed 3%, any excess over 3% shall be used to reduce the City's contributions.

6. During the period extending from the commencement of the operation of the System created by this Act to and including September 30, 1947, each member of said System shall, by payroll deductions, contribute to the funds of said System, 2% of the salary or wages of such member, and thereafter, each of said members shall contribute by payroll deductions to said System, 4% of the salary or wages of such member. Provided, however, that whenever any member in the service of either the Fire or Police Department shall sever his connection with such department, either voluntarily or involuntarily, or by lawful discharge, his personal contributions to this plan shall be forfeited.

All computations of liability in connection with the System created hereby shall be based on the American Table of Mortality and gains or losses from mortality and other experience shall be computed every three years at which time the City and the System shall make an adjustment with the City compensating the System for any mortality losses and the System crediting the city with any mortality gains.

The money required to meet all the obligations of this Pension Plan, over and above the personal contributions forthcoming from the members, is hereby declared to be the liability and obligation of the City of Miami Beach. Therefore, the City Council of the City of Miami Beach shall levy annually, in the manner provided by law, upon all taxable property within said City, such millage on the assessed valuation thereof as is necessary to produce the amounts required hereby to be contributed by said City to this System.

Nothing in this Act contained shall be construed to prevent the City Administration from appropriating monies from the General Fund or from any Special Funds of the City, for the purpose of creating or adding to the Pension Fund created by this Act, and the City shall have the right to appropriate monies from the General Fund or any Special Fund of the City in addition to a millage. And furthermore, the City shall have the right and power to designate other sources of revenue for the Pension Fund created by this Act, including the designating of certain fines and forfeitures for violation of the City Ordinances to be paid to this fund instead of the general revenue of said City.

No monies raised by taxation or otherwise provided for said Pension Fund shall be used other than for the purpose of this Act."

Section 3.

(A) The term "employee", when used in this Act shall mean any member of the Fire or Police Department and properly connected therewith, and all engineers, electricians, operators, clerks,

mechanics, jail wardens, matrons, and other employes required to have special technical skill, who shall be employed in or properly connected with said departments, and whose employment shall be regular and continuous and not of a temporary character.

(B) The terms "Firemen" and "Policemen", when used in this Act shall be synonymous with the term "employee" as defined above.

(C) The term "widow" shall mean the lawfully wedded wife of a member of the Fire or Police Departments living with the member at the time of his death.

Section 4. Before any person shall become a member of the Fire or Police Department he or she shall be required to pass a complete medical examination including a Wasserman test and meet all the requirements of the Civil Service Board of the City.

Section 5. The general administration and responsibility for the proper operation of the Pension System and for making effective the provisions of this Act are hereby vested in a board consisting of nine persons, as follows:

Three members of the City Administration other than Police and Fireman, or executive head, to be appointed by the Mayor of the City, three members of the Fire Department and three members of the Police Department, who shall be elected by the members of the Fire and Police Department, respectively, said election shall be held in the following manner, to-wit; by per capita vote of all the members of each of said respective Departments who come within the purview of this Act, both active and retired at meetings to be held at the headquarters of said respective departments at which meeting all qualified members entitled to vote shall be notified in person or by mail five days in advance of said meeting, and shall begin their term of office immediately upon their election to the Board of Trustees, said term of office being two years, taking effect the first Monday after election of said office, and election being compulsory every two years. The first election of said six members shall be held within thirty days after the passage of this Act, the Board of Trustees must meet, organize and elect one of their members as Chairman within ten days after being elected and duly qualified.

(A) If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(B) The trustee shall serve without compensation, but they may be reimbursed from the expense fund for all necessary expenses which they may actually expend through services on the Board.

(C) Each trustee shall, within ten days after his appointment or election, take an oath of office before the City Clerk of said City, that so far as it develops upon him he will diligently and honestly administer the affairs of the said Board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the member making it and certified by the said Clerk and filed in his office.

(D) Each trustee shall be entitled to one vote on the Board. Five votes shall be necessary for a decision by the trustees at any meeting of the Board. The chairman shall have the right to one vote only.

(E) Subject to the limitations of this Act the Board of Trustees shall from time to time establish rules and regulations for the administration of funds created by this Act and for transaction of its business, including provisions for compulsory attendance of its members, which shall have the force of law.

(F) The Board of Trustees shall by majority vote of its members appoint a secretary, who may, but need not be, one of its members. It shall engage such actual and other services as shall be required to transact the business of the pension system. The compensation of all persons engaged by the Board of Trustees and all expenses of

the Board necessary for the operation of the retirement System shall be paid at such rates and in such amounts as the Board of Trustees shall agree, but in no case shall the expenditures for such services or operations exceed three per cent of the maximum of the fund each fiscal year. All funds shall be disbursed by the Board of Trustees. The Secretary shall be bonded for Five Hundred Dollars, the premium for said bond to be paid out of this Fund.

(G) Any trustee who neglects the duties of his office shall be removed by the Board of Trustees.

"Section 6: Money shall be withdrawn from the Pension Fund created by this Act only upon warrants executed by a majority of the Board. The Board shall have exclusive charge of the investment of any surplus in said Fund not needed for the current obligations thereof by investments of the same in bonds or other obligations of the United States of America, but not otherwise. Monies needed for the meeting of the current obligations of said Fund may be deposited in depository recognized by law for the deposit of funds of the State of Florida and upon the posting of similar security to that required State Deposits. The City of Miami Beach shall have the custody of and the responsibility for all Bonds and Funds of the Pension Plan, and such custody shall be for the purpose of safekeeping only without any discretion in the City of Miami Beach regarding the propriety of any withdrawal or transfer of any such funds or bonds."

"Section 7: SERVICE AND DISABILITY BENEFITS:

- A. The Board shall, upon application, retire members meeting any one of the following requirements:
1. The completion of twenty (20) years of creditable service in the Police or Fire Department.
 2. The attainment of age Fifty-five (55) years with ten (10) or more years of creditable service in the Police or Fire Department.
 3. Permanent and total disability, incurred in line of duty in the Police or Fire Department, irrespective of the number of years of service.
 4. Permanent and total disability, incurred other than in the line of duty, after five (5) years of creditable service in the Police or Fire Department.
- B. Upon retirement, the monthly pension payable shall be five dollars (\$5.00) per month for each year of creditable service, and as to part of a year on a pro rata basis computed to the nearest month, payable for life except that:
1. No pension payments for service retirement shall be commenced prior to age fifty (50) years.
 2. The minimum pension for disability, incurred in line of duty, shall be one hundred dollars (\$100.00) per month.
 3. The minimum pension for disability, incurred other than in line of duty, shall be fifty dollars (\$50.00) per month.
- C. After meeting the requirements for service retirement, actual retirement shall be optional with a member of this Plan up to the age of Sixty-five (65) years, at which time separation from active service shall be compulsory and automatic.

Nothing herein shall be construed to prevent the City Manager or the Board from initiating action for the compulsory retirement of a member, eligible for retirement, prior to such age, where such member is considered to be unfit for the proper performance of his duties because of physical or mental incapacity, and upon certification by the Medical Board designated by the Board of Trustees pursuant to Section 13 of this Act, that such person is mentally or physically incapable of proper performance of duties, such person shall be automatically retired."

"SECTION 8. If any member of the department or departments shall lose his life or later die from injuries received while in the discharge of his duties and shall leave a widow, or child, or children, under the age of sixteen years, the Board shall authorize and direct payment of a pension to the widow and/or child or children, but only in the following amounts and on the following conditions:

1. To the widow in equal monthly installments \$100.00 per month until death or remarriage.
2. For each child, until he or she shall have reached the age of sixteen years, or until such child or children shall die or marry before reaching the age of sixteen years, the sum of \$15.00 per month; provided, however, that the total amount of pension paid to a widow and the child or children of a deceased member under this Section, or Section Nine, or any other Section of this Act, shall not at any time exceed the Sum of \$125.00 per month.
3. If there be a surviving widow and she remarries or dies, then the child or children of the deceased member shall receive the sum of \$15.00 per month, until said child or children shall have reached the age of sixteen years or shall have married.
4. The Trusteeship and disbursement of the pension to any child or children is to be determined by the Board of Trustees.
5. A legally adopted child shall have the same rights as a natural born child but no pension shall be allowed to any stepchild or stepchildren of a deceased member.
6. The pension payments to widows and/or children shall not be decreased or reduced due to benefits received by them under any Workmen's Compensation Law.

"SECTION 9.

(A) To the widow and child or children of any member who dies while in service from causes not attributed to his active duties in the departments, provided, however, that such member shall have been a member of such department for five years prior to the date of his death, the Trustees shall authorize and direct payment in equal monthly installments as follows:

1. To the widow, \$100.00 per month for a period of twelve months and \$50.00 per month thereafter until remarriage or death.
2. To the child or children, the provisions of Section 8 governing the amounts and conditions of administration of children's pensions shall apply.

(B) To the widow and child or children of any member who dies after he has met the requirements for retirement, regardless of whether or not pension payments have commenced, the Board shall authorize and direct payment in equal monthly installments as follows:

1. To the widow, if she shall have been married to the deceased member for ten or more years, the amount of pension to which the deceased member was entitled for a period of twelve months, and fifty percent of such pension thereafter until remarriage or death. If she shall have been married less than ten years, the above benefits shall be payable until remarriage or death but in no case longer than for the period of normal life expectancy of the deceased member at the time of his death.
2. To the child or children, the provisions of Section 8 governing the amounts and conditions of administration of children's pensions shall apply.

SECTION 10: Any fireman or policeman of the City of Miami Beach who makes his legal election as provided for herein and who shall make contributions, by payroll deductions, to the pension fund created hereby as required by the terms of this Act shall participate in the benefits herein provided for an authorized, but nothing herein contained shall be construed to require or compel any employee to participate in the Pension System hereby created.

All employees in the Fire or Police Department at the effective date of this Act who become members of the System created by this Act shall receive credit for the time of their service rendered in such Department whether it be regular, probationary or provisional, prior to the effective date of this Act.

Provided that all such employees desiring to participate in the System created hereby shall be required to enter into a contract with the City as hereinafter provided, on or before six (6) months from the date upon which this Act shall become a law in order to entitle them to participate in the benefits and funds created and authorized hereby. The participation in the System created hereby shall automatically cancel the membership and participation by such employee in any other pension, annuity or retirement system for employees of the City of Miami Beach, to which said City contributes and upon participation in the Pension System created hereby there shall be refunded to each member of said System all of the accumulated personal contributions standing to the credit of his individual account in such other pension fund of said City, together with any interest accumulated thereon.

SECTION 11: All persons entering the employ of the City, as fireman or policeman subsequent to the time when this Act shall have become a law shall be required to file their legal election with the City, on or before six months from the date of their employment, in order to entitle them to participate in the benefits and funds herein created and authorized by this Act.

SECTION 12: Whenever any employee, within the terms of this Act employed at present or subsequently, shall file his election with the City of Miami Beach, as hereinafter provided, the City, within thirty (30) days thereafter, is hereby authorized, empowered and directed to prepare a contract for execution between the parties hereto, to wit: The City and said employee, which contract shall be in the following form, to wit:

THIS AGREEMENT, made and entered into this _____ day of _____, 194____, between the City of Miami Beach, a municipal corporation under the laws of the State of Florida, hereinafter referred to as City, Party of the first part, and _____ individual _____, hereinafter described as employee, _____ employee party of the second part.

WITNESSETH: That

WHEREAS, the said City is authorized and directed to enter into contract with said employee of the said City, under and by virtue of Chapter No. 23414, Acts of Legislature, 1947, and

WHEREAS, it is beneficial to the said City to have its said employees protected by the terms of said fund and benefit and the said employee is desirous of participating in said fund and benefits, it is thereupon

UNDERSTOOD AND AGREED by and between the parties that the party of the second part does hereby allot, out of his salary, wages or compensation, paid to him by the said City, two per cent of said compensation, wages or salary to and including September 30, 1947, and four per cent of said compensation, wages or salary thereafter, and does hereby authorize and direct the disbursing officers or officer of said City to retain out of said wages, salary or compensation said percentage in compliance with the terms of the aforesaid Act of the Legislature, and to continue to make said allotment and authorized said deduction throughout the entire time of his employment or reemployment, or until such time as he shall be entitled to receive the pension allowance or benefit provided by the fund created in the aforesaid Act.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties that the said City, party of the first part, will accept said allotment or deduction from the salary, wages or compensation of said employee aforesaid, and when, under the terms of the aforesaid Act, said employee or other beneficiary of said employee shall be entitled, under the terms of the aforesaid Act, to receive the benefits from said fund therein created, will pay said sum or sums from said fund and all other benefits so authorized to said employee or his other beneficiaries, in accordance with the terms of said Act, without diminution or deduction.

IT IS FURTHER UNDERSTOOD AND AGREED that this contract shall remain in force without change, modification or amendment, until all the purposes now intended to be fulfilled shall have been fully performed, except that payment or other benefits to the party of the second part or his beneficiaries may be increased but not diminished.

IT IS FURTHER UNDERSTOOD AND AGREED that the percentage of the allotment of or deduction from the salary, wages or compensation of the said employee shall not be increased during the term of this contract but may only be decreased or diminished by the party of the first part, nor shall said employee lose any rights under the terms of this contract by reason of the refusal of said City at any time during the terms hereof to make allotment or deduction from said wages, salary or compensation.

IT IS FURTHER UNDERSTOOD AND AGREED that it is the intention of the parties hereto to create vested rights in the respective parties not to be hereinafter impaired for any cause whatsoever.

IT IS FURTHER UNDERSTOOD AND AGREED that the terms of the Act hereinbefore set forth are declared to be a part of this contract and this contract is to be construed with reference thereto.

IN WITNESS WHEREOF, the party of the first part has hereto caused these presents to be executed, signed and sealed, with the seal of said City, by its duly authorized officers, and the said party of the second part has hereunto set his hand and seal the day and year first above written (here follow signature and seals)

Said contract or agreement is to be executed in duplicate, one copy to be retained by the City, the other copy to be delivered to the said employee joining in said contract, and shall there-

after he and remain a contract binding upon the said City and the employee, and enforceable in any Court in the State of Florida having jurisdiction of actions upon contracts in like amount, and by such relief, ordinary or extraordinary, at law, or in equity as may be suitable or appropriate in similar causes.

SECTION 13: MEDICAL BOARD

The Board of Trustees shall designate a medical board to be composed of three physicians who shall arrange for and pass upon all medical examinations required under the provisions of this Act, shall investigate all essential statements or certificates made by or on behalf of a member in connection with an application for disability or retirement and shall report in writing to the Board of Trustees its conclusions and recommendations upon all matters referred to it. The payment for such services shall be determined by the Board of Trustees.

SECTION 14: On compulsory retirement of a member on act of the Board of Trustees any such retired member shall have the right to appeal against such retirement by the Board of Trustees by appealing to a Court of Proper Jurisdiction, and said member shall defray his own expense in his appeal of such compulsory retirement.

SECTION 15: The pension provided for herein shall cease upon conviction of a felony of a member receiving the benefits herein provided and actual incarceration in the State Penitentiary, then such pension shall be paid to the wife or children as herein prescribed for a deceased member under this Act, until his official release from incarceration, then the pension will be paid to the pensioned member again.

SECTION 16: Members entitled to a pension shall not forfeit the same upon dismissal from the department, but shall be retired as herein prescribed.

SECTION 17: In the event a member who has been retired on a pension on account of permanent and total incapacity regains his health and is found, by the Medical Board designated by the Board of Trustees of this System, to be in such physical and mental condition as to meet the requirements of the Personnel Department for service acceptable to the City, the Board shall order his pension discontinued, and he shall be ordered to resume active service in the Department from which he was retired at the same or similar work as that at which he was employed prior to his disability retirement, or at other work within the limits of his physical or mental capabilities at a rate of compensation not less than seventy (70) per cent of the pay at the time of his return to active service for the classification occupied by him prior to his disability retirement. Upon request of the City Manager, the Board shall review the condition of any member receiving a pension for disability and shall submit to the City Manager a report thereon; and if there shall be substantial evidence that the retired member is capable of performing service acceptable to the City in the Department from which such member was retired, he shall be ordered to resume active duties and his pension shall be discontinued.

SECTION 18: COMPUTATION OF PENSION SERVICE.

In computing service allowance, creditable service shall include all periods of time of actual work for which wages or salaries were received by the members in the service of the Fire or Police Department, whether it be provisional, probationary or regular work or employment, and whether or not such periods are interrupted, together with all military service for which employee contributions are made as provided for in Section 24. No employee contributions shall be required for service prior to the date of becoming a member for employees who are eligible, on the effective date of this Act, and who become members of this System within six (6) months thereafter; provided, however, that those eligible employees who are unable to exercise their election, within the prescribed six (6) months period by reason of absence in the

Military Service, shall have six (6) months from the date of their discharge from the Military Service in which to elect to become members and to receive credit for such past service in the Fire or Police Department. Employees who become eligible subsequent to the effective date of this Act, and who become members of this System, in order to receive credit for service rendered prior to their becoming a member, shall make contributions of two (2) percent of the total wages earned by such member for service rendered prior to October 1st, 1947, and four (4) percent of the total wages earned by such member for service rendered after September 30th, 1947. Employees becoming members prior to October 1st, 1947, in order to receive such credit shall make payment within six (6) months after October 1st, 1947, and employees who become members after September 30th, 1947 shall make such payment within six (6) months after becoming a member.

Immediately upon the passage of this Act the Board of Trustees shall at once establish the service record of all employees who may be entitled to participate in the benefits of this Act, and shall keep a record thereof.

SECTION 19: No pension provided for herein shall be assignable or subject to garnishment for debt or to other legal process, and no pension provided for herein shall be subject to any deductions or assessments by the City of Miami Beach, Florida, nor shall any benefits hereunder be altered or modified in any respect due to the fact that any member may be the recipient of any benefits from any other pension or pension plan.

SECTION 20: DURATION OF MEMBER'S PENSION.

Pensions granted to retired members shall be paid to them for life and shall not be revoked nor in any way diminished except as provided in this Act, and the payment of the member to this fund shall cease upon his retirement and acceptance of a pension.

SECTION 21: Repealed.

SECTION 22: The Board of Trustees shall have the power to examine into the facts upon which any pensions are granted under this Act, and to ascertain if any pension has been granted or obtained erroneously, fraudulently, or illegally for any reason. Said Board shall also be empowered to purge the pension rolls of any pensions granted under this Act, if the same are found to be erroneous, fraudulent or illegal for any reason; and to re-classify any pensioner who, under this Act, is erroneously, improperly or illegally classified.

SECTION 23: Whenever any member in the service of either Fire or Police Departments shall sever his connection with such department, either voluntarily or by lawful discharge, all rights under this Act shall thereupon cease automatically unless at the time of such discharge or voluntary retirement, such member has qualified under the terms of this Act, for a pension as herein provided for.

SECTION 24: Any member of the System created by this Act or any probationary employee in the Fire or Police Department who enlists while the United States of America is at war, or is involuntarily called into active military service with any branch of the Army of the United States, the United States Navy, the Marine Corps of the United States, or the Coast Guard of the United States, shall be entitled to preserve all retirement rights and privileges under this Act, provided that such member, or such probationary employee after he becomes a member, shall contribute into the pension plan a sum equal to two per cent of his last monthly salary at the time of his entering active military service as aforesaid, for the period of time of such active military service rendered prior to October 1st, 1947, and creditable toward service retirement as in this Section hereinafter provided, and a sum equal to four percent of said last monthly salary for the period of time of such active military service rendered subsequent to September 30th, 1947, and creditable toward service retirement as in this Section hereinafter provided. Those who become members of the

System prior to October 1st, 1947 shall make payment of such contribution within six (6) months thereafter, and those who become members of the System after September 30th, 1947, shall make payment of such contributions within six (6) months after honorable discharge from such active military service.

The period of active military service shall, for purposes of computation to determine whether such member may be entitled to retirement under this Act, be deemed continuous actual service in the Police or Fire Department of the City of Miami Beach, and shall be credited as part of such actual service; provided, that any such military service served after six (6) months from the date hostilities cease, shall not be considered creditable pension service time unless the member satisfactorily proves to the Trustees that such military service was compulsory and not voluntary on his part; and provided, further, that credit for military service during times other than when the United States is at war or in a state of national emergency, shall be limited to a maximum of three years.

Any member who, in order to perform such active military service, leaves his employment in the Police or Fire Department of the City of Miami Beach, and (a) who receives a certificate of honorable discharge upon completion of such active military service, (b) is still qualified to perform the duties of such position, and (c) makes application for re-employment within thirty (30) days after he is released from active military service, shall be restored by the Police or Fire Department of the City of Miami Beach to such position or a position of like seniority, status and pay.

SECTION 25: Notice of intention to apply for the passage of this Act by the Legislature has been published as required by Section 21, Article III as amended of the Constitution of the State of Florida, and affidavit of proof of such application, together with a true copy of such notice was duly attached to this Act when the bill therefor was introduced in the Legislature, and accompanied said bill throughout the Legislature, as required by Chapter 13791, Laws of Florida, Acts of 1929, and the Legislature hereby declares that said notice and affidavit are sufficient in form and in substance, and that said Section 21, Article III of the Constitution of Florida and Chapter 13791 of the Laws of Florida have been complied with in every respect.

SECTION 26: That all laws and parts of laws, general and special, in conflict with the provisions of this Act, be and the same are hereby repealed.

SECTION 27: This Act shall take effect upon becoming a law.

SECTION 28: This Act, after becoming a law, shall become effective when and after the same shall have been approved by a majority vote of the registered voters residing within the present limits of the City of Miami Beach and who have registered for said election in accordance with the provisions hereof and voting at an election to be held for that purpose in such City of Miami Beach not exceeding sixty days after the passage of this Act as shall be determined by the City Council of the said City of Miami Beach. It is made the duty of and the said City Council of the City of Miami Beach is hereby directed, upon this Act becoming a law, to fix the date of such election within the time set forth herein, and to give notice of such election by the publication of a notice setting forth the time and place of holding the same, providing that the voters possessing the qualifications herein mentioned and being otherwise qualified under the provisions of the City of Miami Beach be required to register for such election within ten days after the publication of said notice. Said notice shall be published in a daily newspaper published in Dade County, Florida, for at least one insertion published not less than fifteen days before the date specified for the

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