

PROPOSED

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 8, 2022, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO PROVIDE FOR A COUNTYWIDE ELECTED MAYOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Tim Ryan)

WHEREAS, Section 2.06 of the Broward County Charter ("Charter") authorizes the Broward County Board of County Commissioners ("Board") to propose amendments and revisions to the Charter, subject to referendum of the general electorate;

WHEREAS, pursuant to Article VIII, Section 1 of the Florida Constitution, the voters of Broward County have the constitutional right to determine the form of Broward County's governmental structure, which includes the authority to increase or decrease the size of the Board, establish Charter offices, and grant such powers to County Commissioners and Charter officers as the voters deem appropriate;

WHEREAS, the Board desires to place an amendment to the Charter before the voters at the November 8, 2022, General Election;

WHEREAS, the proposed amendment would change the Office of Mayor from being Commission-elected on an annual basis to being a new Charter office elected by voters countywide on a nonpartisan basis for a four-year term;

23 WHEREAS, Broward County's voters should have the opportunity to exercise their
24 right to decide whether the Mayor of Broward County should be elected on a countywide
25 basis, with such Mayor serving both as a representative of the Board and a representative
26 of Broward County in its entirety; and

27 WHEREAS, because the Florida Election Code currently prevents the County from
28 electing its mayor in a nonpartisan manner, this proposal is contingent upon the State of
29 Florida enacting a law in 2023 that would permit the voters of Broward County to elect
30 their Mayor in the manner set forth herein, NOW, THEREFORE,

31 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
32 BROWARD COUNTY, FLORIDA:

33 Section 1. Subject to an affirmative vote of the general electorate and
34 Section 12 of this Resolution, Section 2.01 of the Charter of Broward County, Florida,
35 entitled "Composition, redistricting, terms, qualifications, and compensation of members,"
36 is hereby amended to read as follows:

37 **Sec. 2.01. Composition, redistricting, terms, qualifications, and**
38 **compensation of members.**

39 The County Commission comprises the Legislative Branch of County government
40 empowered to enact ordinances and adopt resolutions, and to take action that is
41 consistent with this Charter and that is in the best interest of the health, safety, and welfare
42 of the County's citizens. For purposes of this section only, the term "Commissioner(s)"
43 does not include the Mayor.

44 A. The County Commission shall be composed of ~~nine (9)~~ ten (10) members
45 ~~elected from single-member districts;~~ nine (9) Commissioners elected from
46 single-member districts; and one (1) Mayor elected at large.

47 ...

48 B. Commissioners shall be elected on a partisan basis. The terms of office for
49 both Commissioners and the Mayor shall begin on the Tuesday two (2) weeks following
50 the day of the ~~g~~General or special~~e~~Election.

51 C. Except as provided in this section, election of Commissioners and the
52 Mayor shall be as provided in Article VIII, Section 1(e), of the Florida Constitution.

53 D. The Commissioners' salaries shall be determined and established in
54 accordance with the general law of the State of Florida pertaining to compensation for
55 Commissioners of non-charter counties. The Mayor's salary shall be equal to that of the
56 Broward County Sheriff. Commissioners and the Mayor shall only be reimbursed for
57 expenses that are specifically approved by the County Commission, and when properly
58 incurred on County business, in conformance with the laws of the State of Florida.

59 E. Vacancies ~~on the County Commission~~ for Commissioners and the Mayor
60 shall be defined and filled as provided by the laws of the State of Florida. Other than as
61 a result of redistricting, any Commissioners who cease to reside in the District they
62 represent shall be deemed to have vacated their office.

63 F. Beginning in 2024, the Mayor shall be elected at large and shall serve for a
64 term of four (4) years.

65 (1) The Mayor must be a County elector and a resident of Broward County.

- (2) All elections for Mayor shall be nonpartisan. No ballot shall show the party designation of any candidate for Mayor.
- (3) Candidates for Mayor shall qualify with the Broward County Supervisor of Elections no earlier than noon of the 71st day and no later than noon of the 67th day before the primary election. Each candidate for Mayor must qualify in the same manner under Florida law as County Commissioners, except that the requirements of this Charter shall prevail over any conflicting qualification requirement under general law.
- (4) If two (2) or more persons, neither of whom is a write-in candidate, qualify as a candidate for Mayor, the names of those candidates shall be placed on all ballots at the primary election. If any candidate for Mayor receives a majority of the votes cast for such office in the primary election and no write-in candidate has qualified for the General Election for Mayor, the name of the candidate who receives such majority shall not appear on any other ballot. An unopposed candidate shall be deemed to have voted for themselves at the General Election. If no candidate for Mayor receives a majority of the votes cast for such office in the primary election, then the following shall apply: the names of the two (2) candidates receiving the highest number of votes for such office shall be placed on the General Election ballot; if two (2) or more candidates receive the same highest number of votes for such office, the names of only those candidates shall be placed on the General Election ballot; and if two (2) or more candidates receive the same second highest number of votes for such office, the name of each of those

89 candidates, as well as the name of the candidate(s) receiving the highest
90 number of votes, shall be placed on the General Election ballot.

91 (5) The candidate who receives the highest number of votes cast for Mayor in
92 the General Election shall be elected to such office. If the vote at the
93 General Election results in a tie, the outcome shall be determined by lot.

94 (6) All other laws applicable to the conducting of an election for County
95 Commissioner shall be applicable to the election of Mayor except that the
96 requirements of this Charter shall prevail over any conflicting requirement
97 under general law.

98 Section 2. Subject to an affirmative vote of the general electorate and
99 Section 12 of this Resolution, Section 2.02 of the Charter of Broward County, Florida,
100 entitled "Term limitation for County Commissioner office," is hereby amended to read as
101 follows:

102 **Sec. 2.02. Term limitation for County Commissioner office.**

103 ~~Effective with the terms of the Commissioners that commenced in November 2000,~~
104 ~~a~~An individual shall not be eligible for election as a Commissioner for more than three (3)
105 consecutive four-year terms. Service as a Commissioner prior to the terms that
106 ~~commenced in November 2000 shall not be considered in applying the term limitations of~~
107 ~~this section.~~ An individual shall not be eligible for election as Mayor for more than two (2)
108 consecutive four-year terms. Service of a two-year term, or any other partial term
109 ~~subsequent to November 2000,~~ shall not be considered in applying the term limitation
110 provisions of this section. For purposes of this section, the offices of Mayor and County
111 Commissioner shall be considered separate offices, and service as the Mayor or a County

Commissioner shall not be considered when applying the term limitation provisions in this section to the other office.

Section 3. Subject to an affirmative vote of the general electorate and the requirements set forth in Section 12 of this Resolution, Section 2.03 of the Charter of Broward County, Florida, entitled "Commission election of Mayor and Vice-Mayor," is hereby amended to read as follows:

Sec. 2.03. Commission election of Mayor and Vice-Mayor.

A. ~~The County Commission shall elect one (1) Commissioner to the position of Mayor by a majority vote. The election of the Mayor shall occur on an annual basis, during the County Commission's annual organizational meeting, which shall take place no earlier than the third Tuesday of each November and no later than the third Tuesday of each December. The County Commission may remove the individual from the position of Mayor by a majority vote. The Mayor may serve consecutive terms.~~

B. ~~Following the election of the Mayor, t~~The County Commission shall elect a Commissioner to the position of Vice-Mayor by a majority vote during the County Commission's annual organizational meeting, which shall take place no earlier than the third Tuesday of each November and no later than the third Tuesday of each December.

In the Mayor's absence, the Vice-Mayor shall have all the rights, privileges, and duties of the Mayor, except that the Vice-Mayor shall receive the same salary as other County Commissioners. The County Commission may remove the individual from the position of Vice-Mayor by a majority vote. The Vice-Mayor may serve consecutive terms.

~~G. B.~~ In the event the position of Mayor shall become vacant for any reason, the Vice-Mayor shall automatically become Mayor and serve as Mayor for the balance of the

135 ~~Mayor's term. The Commission shall elect a new Vice-Mayor who shall serve for the~~
136 ~~balance of the Mayor's term. If, for any reason, the duties of Mayor are being performed~~
137 ~~by anyone not elected to the position of Mayor in a countywide election, the Board of~~
138 ~~County Commissioners may by majority vote transfer the Office's powers and duties to~~
139 ~~any member of the County Commission, and during such period, such Commissioner's~~
140 ~~service shall be treated as continuous service as a Commissioner for purposes of term~~
141 ~~limitation provisions, and the Commissioner shall continue to receive the same salary as~~
142 ~~the other County Commissioners.~~

143 ~~D. C.~~ In the event If the position of Vice-Mayor shall become vacant for any
144 reason or the Vice-Mayor is performing the duties of Mayor pursuant to Section 2.03.B of
145 the Charter, the County Commission shall select a new Vice-Mayor who shall serve
146 County Commissioner to perform the duties of Vice-Mayor for the balance of the
147 Vice-Mayor's term or for the period during which the Vice-Mayor is performing the duties
148 of Mayor, whichever is shorter.

149 Section 4. Subject to an affirmative vote of the general electorate and the
150 requirements set forth in Section 12 of this Resolution, Section 2.04 of the Charter of
151 Broward County, Florida, entitled "Mayor–Duties and responsibilities," is hereby amended
152 to read as follows:

153 **Sec. 2.04. Mayor–Duties and responsibilities.**

154 The ~~position~~ Office of Mayor is created as a Charter Office in order to provide for
155 an elected County representative who shall serve as the County's official representative
156 and ceremonial dignitary, and who shall provide leadership on issues facing the County.

157 A. The Mayor shall be recognized as the head of the County by the Governor
158 for purposes of military law, and for service of process. Unless the County Commission
159 designates another member of the County Commission, ~~¶~~the Mayor shall act as the
160 County official designated to represent the County in negotiations with respect to
161 agreements with other governmental entities, execute ordinances, resolutions,
162 proclamations, and other legislative documents, and perform such other duties as
163 specified in this Charter and as may be required by the County Commission, or as
164 required by law.

165 . . .

166 D. The Mayor shall serve as the Chair of the County Commission and shall call
167 the ~~Board~~ County Commission into regular and special session, subject to any rules or
168 procedures the County Commission may adopt regarding the conduct of County
169 Commission meetings including, but not limited to, rules regarding debate, decorum,
170 issues of order, or public comment.

171 . . .

172 Section 5. A referendum election is called for the General Election on
173 November 8, 2022, and at such other times as permitted for voting under Chapter 101,
174 Florida Statutes, to determine whether the Broward County Charter should be amended
175 to provide for a Mayor elected countywide.

176 Section 6. In accordance with Section 100.342, Florida Statutes, at least thirty
177 (30) days' notice of the referendum election shall be published by the Broward County
178 Administrator in a newspaper of general circulation in Broward County. The publication
179 shall be made at least twice, including once in the fifth week and once in the third week

prior to the week in which the referendum is to be held. The notice is hereby attached as Exhibit A and made a part hereof.

Section 7. Said referendum election shall be held between the hours of 7:00 a.m. and 7:00 p.m. on November 8, 2022, and at such other days and times as provided under applicable law, including for early voting as provided by Section 101.657, Florida Statutes, at the polling places established in Broward County. All registered and qualified electors in Broward County shall be eligible to vote in the referendum election. Vote-by-mail ballots and early voting access for the referendum shall be made available as provided by law.

Section 8. The election boards consisting of the clerks and inspectors appointed to serve for the November 8, 2022, General Election are hereby appointed to serve in the referendum election in the manner provided by law.

Section 9. The Broward County Canvassing Board shall canvass the returns in said election and shall certify the results of the referendum election as provided by law.

Section 10. The County Administrator shall furnish a certified copy of this adopted Resolution to the Supervisor of Elections for Broward County promptly upon adoption by the Board.

Section 11. The title and summary of the referendum question to appear on the November 8, 2022, General Election, as embodied in this enabling Resolution, shall be as follows:

BROWARD COUNTY MAYOR ELECTED AT LARGE

"Shall the Broward County Charter be amended to provide that the Broward County Mayor be elected at large on a nonpartisan basis and with the potential for a runoff

election? The Mayor would have those powers and duties stated in the Charter. This proposal shall be effective only if state legislation authorizing the election of the Mayor in this manner is enacted by August 1, 2023."

YES _____

NO _____

Section 12. This proposed amendment to the Broward County Charter shall be effective only if a law is enacted by August 1, 2023, that would authorize Broward County to legally elect its Mayor in the manner set forth in Section 1 of this Resolution. If such law is enacted, this amendment shall take effect on the Tuesday two (2) weeks following the day of the 2024 General Election but shall govern with respect to the qualifying for and the holding of the August 2024 Primary Election and the November 2024 General Election. If such law is not enacted by August 1, 2023, this proposed Charter amendment shall have no force or effect.

Section 13. If voters approve this measure, the County Administrator is directed to seek the advancement a special law that would satisfy the condition set forth in Section 12.

Section 14. Severability.

If any portion of this Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Resolution. If any court determines that this Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Resolution to any other individual, group, entity, property, or circumstance.

Section 15. Effective Date.

This Resolution shall be in force and take effect immediately upon its adoption by an affirmative vote of no fewer than six (6) members of the Broward County Board of County Commissioners.

ADOPTED this day of , 2022.

PROPOSED

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Joseph K. Jarone 08/08/2022
Joseph K. Jarone (date)
Assistant County Attorney

By: /s/ René D. Harrod 08/08/2022
René D. Harrod (date)
Chief Deputy County Attorney

JKJ/mb
Elected Mayor
08/08/2022
611735

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

Exhibit A

NOTICE OF REFERENDUM ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 8, 2022, THE DATE OF THE
GENERAL ELECTION, TO DETERMINE WHETHER TO
AMEND THE BROWARD COUNTY CHARTER TO
PROVIDE FOR A COUNTYWIDE ELECTED MAYOR.

A countywide referendum election will be held on Tuesday, November 8, 2022, and at such other times as provided for by Chapter 101, Florida Statutes, for the purpose of determining whether to amend the Broward County Charter to provide for a countywide elected Mayor.

As set forth in enabling Resolution No. 2022-____, adopted on ____, by the Board of County Commissioners of Broward County, Florida, the title and summary to appear on the referendum ballot shall be as follows:

BROWARD COUNTY MAYOR ELECTED AT LARGE

"Shall the Broward County Charter be amended to provide that the Broward County Mayor be elected at large on a nonpartisan basis and with the potential for a runoff election? The Mayor would have those powers and duties stated in the Charter. This proposal shall be effective only if state legislation authorizing the election of the Mayor in this manner is enacted by August 1, 2023."

YES _____

NO _____

A complete copy of the proposed amendment is available at [\[insert URL\]](#).

The referendum shall be held on November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m., and at such other days and times as provided under applicable law, including for early voting as provided by Section 101.657, Florida Statutes, at the

polling places established in Broward County. All registered and qualified electors of Broward County shall be eligible to vote in said referendum election. Vote-by-mail ballots for the referendum election shall be prepared and made available as provided by law.

The Broward County Canvassing Board shall canvass the returns and certify the results of the referendum election to the Board of County Commissioners of Broward County, Florida, the Broward County Administrator, and the Florida Department of State, to be recorded and filed in appropriate public records.

Instructions:

A. Publish two (2) times:

Once on: October 4, 2022
Once on: October 18, 2022

B. Furnish two (2) proofs of publication and invoice to:

Mary Anne Darby, Deputy Clerk
Records, Taxes and Treasury Division
Broward County Governmental Center
115 S. Andrews Avenue, Room 336-U
Fort Lauderdale, Florida 33301

C. Furnish one (1) proof of publication and invoice to:

Broward County Attorney's Office
Broward County Governmental Center
115 S. Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301