

**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~~E~~lection.

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~~ Vacancies 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.

- 66           (2)    All elections for Mayor shall be nonpartisan. No ballot shall show the party  
67                    designation of any candidate for Mayor.
- 68           (3)    Candidates for Mayor shall qualify with the Broward County Supervisor of  
69                    Elections no earlier than noon of the 71st day and no later than noon of the  
70                    67th day before the primary election. Each candidate for Mayor must qualify  
71                    in the same manner under Florida law as County Commissioners, except  
72                    that the requirements of this Charter shall prevail over any conflicting  
73                    qualification requirement under general law.
- 74           (4)    If two (2) or more persons, neither of whom is a write-in candidate, qualify  
75                    as a candidate for Mayor, the names of those candidates shall be placed  
76                    on all ballots at the primary election. If any candidate for Mayor receives a  
77                    majority of the votes cast for such office in the primary election and no  
78                    write-in candidate has qualified for the General Election for Mayor, the name  
79                    of the candidate who receives such majority shall not appear on any other  
80                    ballot. An unopposed candidate shall be deemed to have voted for themself  
81                    at the General Election. If no candidate for Mayor receives a majority of the  
82                    votes cast for such office in the primary election, then the following shall  
83                    apply: the names of the two (2) candidates receiving the highest number of  
84                    votes for such office shall be placed on the General Election ballot; if two (2)  
85                    or more candidates receive the same highest number of votes for such  
86                    office, the names of only those candidates shall be placed on the General  
87                    Election ballot; and if two (2) or more candidates receive the same second  
88                    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

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

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

118 **Sec. 2.03. Commission election of ~~Mayor and Vice-Mayor.~~**

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

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

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

133 ~~C. B.~~ In the event the position of Mayor shall become vacant for any reason, the  
134 ~~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



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

182 Section 7. Said referendum election shall be held between the hours of  
183 7:00 a.m. and 7:00 p.m. on November 8, 2022, and at such other days and times as  
184 provided under applicable law, including for early voting as provided by Section 101.657,  
185 Florida Statutes, at the polling places established in Broward County. All registered and  
186 qualified electors in Broward County shall be eligible to vote in the referendum election.  
187 Vote-by-mail ballots and early voting access for the referendum shall be made available  
188 as provided by law.

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

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

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

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

200 **BROWARD COUNTY MAYOR ELECTED AT LARGE**

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

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

206 YES \_\_\_\_\_

207 NO \_\_\_\_\_

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

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

219 Section 14. Severability.

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

226 Section 15. Effective Date.

227 This Resolution shall be in force and take effect immediately upon its adoption by  
228 an affirmative vote of no fewer than six (6) members of the Broward County Board of  
229 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