

**PROPOSED**

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON  
3 NOVEMBER 5, 2024, THE DATE OF THE GENERAL ELECTION, TO DETERMINE  
4 WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO EXPAND THE  
5 AUTHORITY OF THE OFFICE OF INSPECTOR GENERAL; AND PROVIDING FOR  
6 SEVERABILITY AND AN EFFECTIVE DATE.

7 (Sponsored by Commissioner Michael Udine)

8  
9 WHEREAS, the Broward County Charter (the "Charter") creates the Broward  
10 County Office of Inspector General ("Inspector General") and defines the authority of the  
11 Inspector General as limited to: (1) officials and employees of Broward County ("County")  
12 or municipalities within Broward County; and (2) entities and persons that provide goods  
13 or services to the County or to municipalities within Broward County;

14 WHEREAS, The School Board of Broward County, Florida (the "SBBC"), has  
15 requested the County expand the Inspector General's authority to include the SBBC;

16 WHEREAS, the Inspector General is amenable to the expansion of the Inspector  
17 General's authority to include other government entities in Broward County that enter into  
18 an appropriate interlocal agreement with the County and the Inspector General; and

19 WHEREAS, expanding the Inspector General's authority will promote the public's  
20 confidence in government, NOW, THEREFORE,

21 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
22 BROWARD COUNTY, FLORIDA:

23 Section 1. Subject to an affirmative vote of the general electorate, Section 10.01  
24 of the Charter of Broward County, Florida, entitled "Broward County Office of Inspector  
25 General," is hereby amended to read as follows:

26 **Sec. 10.01. Broward County Office of Inspector General.**

27 . . .

28 B. Functions, Authority, and Powers.

29 (1) The authority of the Inspector General shall extend only over the following:

30 (a) All elected and appointed officials ("Officials") and employees  
31 ("Employees") of the Charter Government of Broward County  
32 ("County") and of all municipalities, including any city, town, or village  
33 duly incorporated under the laws of the state within Broward County  
34 ("Municipalities"); and

35 (b) All Officials and Employees of The School Board of Broward County,  
36 Florida, and of any constitutional officer for Broward County as set  
37 forth under Article VIII, Section 1(d) of the Florida Constitution (each  
38 of the foregoing, a "Voluntary Entity"), provided the Voluntary Entity  
39 executes an interlocal agreement with the County and the Inspector  
40 General. The interlocal agreement must, in a form approved by the  
41 County and the Inspector General, set forth the parameters,  
42 budgetary considerations (including as required under  
43 Sections 10.01.G(4) and (7) below), and other matters regarding the  
44 exercise of the Inspector General's authority with respect to the  
45 Voluntary Entity; and

46 (b) (c) All entities and persons (other than employees of the County or any  
47 Municipality, or any Voluntary Entity) that provide goods or services  
48 to the County or any Municipality, or any Voluntary Entity under  
49 contract for compensation (“Providers”), but solely with respect to the  
50 provision of such goods or services.

51 . . .

52 (7) As part of any investigation, the Inspector General may audit any program,  
53 contract, or the operations of any division, department, or office of the  
54 County ~~and Municipality~~, any Municipality, or any Voluntary Entity. The  
55 Inspector General may also audit the operations or performance of any  
56 Provider relating to the Provider’s contract for compensation with the  
57 County or any Municipality, or any Voluntary Entity.

58 (8) The auditing referenced in paragraph (7) above shall be performed with the  
59 cooperation of the County Auditor. When conducting audits, the Inspector  
60 General shall have free and unrestricted access to Employees, Officials,  
61 records, and reports, and to the records and employees of Providers with  
62 respect to any Provider’s contract for compensation with the County or any  
63 Municipality, or any Voluntary Entity. The Inspector General may require  
64 Officials, Employees, and Providers to provide oral and written reports and  
65 to produce documents, files, and other records.

66 . . .

- 67 D. Reports and Recommendations.
- 68 (1) The Inspector General shall issue reports, including recommendations, in  
69 the following circumstances:
- 70 . . .
- 71 (b) At the conclusion of an investigation involving allegations of  
72 misconduct, if the Inspector General determines that a report will  
73 assist the County ~~or~~<sub>1</sub> any Municipality, or any Voluntary Entity in  
74 preventing similar future misconduct. However, no report shall be  
75 issued if the Inspector General, in conjunction with the State Attorney  
76 or United States Attorney, determines that the issuance of such  
77 report may jeopardize a pending criminal investigation.
- 78 (2) The Inspector General shall issue all reports as follows:
- 79 (a) Upon conclusion of an investigation described in paragraph (1)  
80 above, the Inspector General shall issue a preliminary report  
81 containing findings and recommendations to the County ~~or~~<sub>1</sub>  
82 Municipality, or Voluntary Entity and to the Officials, Employees, or  
83 Providers implicated in the report. The recipients of the preliminary  
84 report shall have thirty (30) days to respond to the preliminary  
85 report's findings and recommendations. The time to respond to a  
86 preliminary report may be extended by the Inspector General.
- 87 (b) Within thirty (30) days after the response deadline, the Inspector  
88 General shall issue a final report containing findings and  
89 recommendations to the County ~~or~~<sub>1</sub> Municipality, or Voluntary Entity

90 and to the Officials, Employees, and Providers implicated in the  
91 report. All responses to the Inspector General's preliminary report  
92 shall be considered in preparing the final report, and shall be  
93 appended to the final report.

94 . . .

95 E. Minimum Qualifications, Selection, and Term of Office.

96 (1) Minimum qualifications. The Inspector General shall be a person who:

97 . . .

98 (d) Has not been employed by the County ~~or~~, any Municipality, or any  
99 Voluntary Entity during the two (2) year period immediately prior to  
100 selection.

101 . . .

102 F. Annual Report.

103 (1) The Inspector General shall annually publish a written report to the County  
104 ~~and~~, the Municipalities, and the Voluntary Entities detailing the activities of  
105 the Office of Inspector General. The annual report of the Inspector General  
106 shall, promptly after it is completed, be posted on a website established by  
107 the Inspector General, and ~~shall be~~ presented to the Selection-Oversight  
108 Committee.

109 . . .

110 G. Financial Support and Budgeting.

111 . . .

- 112 (3) Each proposed budget shall include a reasonable estimate of operating and  
113 capital expenditures of the Office of Inspector General, funds to enable  
114 Hearing Officers to be retained, and funds to enable the Inspector General  
115 to retain outside counsel to represent the Inspector General in connection  
116 with complaints referred to a Hearing Officer. The proposed budget shall  
117 indicate, to the extent applicable, expenditures to be funded by each  
118 Voluntary Entity.
- 119 (4) The County ~~Commission~~ shall provide sufficient funds for the Inspector  
120 General to carry out ~~his or her~~ the Inspector General's duties in an efficient  
121 manner with respect to the County and Municipalities. Each Voluntary Entity  
122 shall provide sufficient funds to the County for the Inspector General to carry  
123 out the Inspector General's duties in an efficient manner with respect to that  
124 Voluntary Entity.
- 125 . . .
- 126 (6) In the event funds raised from such contract fees in any County fiscal year  
127 are insufficient to fund the Office of Inspector General, the County  
128 ~~Commission~~ may supplement such funding from the County's general  
129 revenue fund, except that the County shall have no obligation to supplement  
130 the Office's funding where the insufficiency of funds is related to the Office's  
131 duties regarding a Voluntary Entity.
- 132 (7) Each Voluntary Entity shall be responsible for funding all Office expenses  
133 attributable to duties relating to that Voluntary Entity, and the County shall

134                    not be responsible for funding any aspect of the Office's expenses  
135                    attributable to duties relating to any Voluntary Entity.

136                    . . .

137                    Section 2.    A referendum election is called for the General Election on  
138 November 5, 2024, and at such other times as permitted for voting under Chapter 101,  
139 Florida Statutes, to determine whether the Broward County Charter should be amended  
140 to expand the authority of the Inspector General.

141                    Section 3.    In accordance with Section 100.342, Florida Statutes, at least thirty  
142 (30) days' notice of the referendum election shall be published by the Broward County  
143 Administrator in a newspaper of general circulation in Broward County. The publication  
144 shall be made at least twice, including once in the fifth week and once in the third week  
145 prior to the week in which the referendum is to be held. The notice is hereby attached as  
146 Exhibit A and made a part hereof. Notice may also be made in accordance with  
147 Section 50.0311, Florida Statutes, either in addition to or in lieu of notice in accordance  
148 with Section 100.342, Florida Statutes.

149                    Section 4.    Said referendum election shall be held between the hours of  
150 7:00 a.m. and 7:00 p.m. on November 5, 2024, and at such other days and times as  
151 provided under applicable law, including for early voting as provided by Section 101.657,  
152 Florida Statutes, at the polling places established in Broward County. All registered and  
153 qualified electors in Broward County shall be eligible to vote in the referendum election.  
154 Vote-by-mail ballots and early voting access for the referendum shall be made available  
155 as provided by law.

156 Section 5. The election boards consisting of the clerks and inspectors  
157 appointed to serve for the November 5, 2024, General Election are hereby appointed to  
158 serve in the referendum election in the manner provided by law.

159 Section 6. The Broward County Canvassing Board shall canvass the returns in  
160 said election and shall certify the results of the referendum election as provided by law.

161 Section 7. The County Administrator shall furnish a certified copy of this  
162 adopted Resolution to the Supervisor of Elections for Broward County promptly upon  
163 adoption by the Board.

164 Section 8. The title and summary of the referendum question to appear on the  
165 November 5, 2024, General Election, as embodied in this enabling Resolution, shall be  
166 as follows:

167 **Expansion of the Broward County Inspector General’s Authority**

168 “Amends the Broward County Charter to allow the Broward County Inspector General to  
169 provide inspector general services to The School Board of Broward County and the  
170 constitutional officers of Broward County if the applicable entity (The School Board or the  
171 constitutional officer) contracts with the Broward County Office of Inspector General and  
172 with Broward County regarding such inspector general services.”

173 YES \_\_\_\_\_

174 NO \_\_\_\_\_

175 Section 9. Severability.

176 If any portion of this Resolution is determined by any court to be invalid, the invalid  
177 portion will be stricken, and such striking will not affect the validity of the remainder of this  
178 Resolution. If any court determines that this Resolution, in whole or in part, cannot be

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



179 | legally applied to any individual, group, entity, property, or circumstance, such  
180 | determination will not affect the applicability of this Resolution to any other individual,  
181 | group, entity, property, or circumstance.

182 |       Section 10. Effective Date.

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

ADOPTED this        day of        , 2024.

**PROPOSED**

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

By: /s/ Joseph K. Jarone                    05/09/2024  
            Joseph K. Jarone                    (date)  
            Assistant County Attorney

By: /s/ Oren Rosenthal                   05/09/2024  
            Oren Rosenthal                       (date)  
            Senior Assistant County Attorney

JKJ/mb  
School-OIG Resolution  
05/09/2024  
1059099

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 5, 2024, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO EXPAND THE AUTHORITY OF THE OFFICE OF INSPECTOR GENERAL.

A countywide referendum election will be held on Tuesday, November 5, 2024, 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 expand the authority of the Office of Inspector General.

As set forth in enabling Resolution No. 2024-\_\_\_\_, 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:

**Expansion of the Broward County Inspector General’s Authority**

Amends the Broward County Charter to allow the Broward County Inspector General to provide inspector general services to The School Board of Broward County and the constitutional officers of Broward County if the applicable entity (The School Board or the constitutional officer) contracts with the Broward County Office of Inspector General and with Broward County regarding such inspector general services.

YES \_\_\_\_\_

NO \_\_\_\_\_

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

The referendum shall be held on November 5, 2024, 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 1, 2024  
Once on: October 15, 2024

B. Send proof of publication and invoice electronically to:

Records, Taxes and Treasury Division  
Document Control Section  
[DocumentControl@broward.org](mailto:DocumentControl@broward.org)

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