

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 position elected by voters countywide on a partisan basis for a four-year term;

WHEREAS, Broward County's voters should have the opportunity to exercise their right to decide whether the Mayor of Broward County should be elected on a countywide

1 basis, with such Mayor serving both as a representative of the Board and a representative
2 of Broward County in its entirety; and

3 WHEREAS, if the position of Broward County Mayor should ever become vacant
4 for any reason, it is the will of the Board, and if this proposal is approved by the voters,
5 the will of the residents of Broward County, that the position lapse until the next scheduled
6 General Election, and that pending such election, the duties of Mayor be automatically
7 transferred to and performed by the Vice-Mayor, NOW, THEREFORE,

8
9 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11
12 Section 1. Subject to an affirmative vote of the general electorate, Section 2.01
13 of the Charter of Broward County, Florida, entitled "Composition, redistricting, terms,
14 qualifications, and compensation of members," is hereby amended, effective
15 November 5, 2024 (except that Section 2.01 shall govern with respect to qualifying for
16 and holding the Primary and General Elections for Mayor in 2024), to read as follows:

17 **Sec. 2.01. Composition, redistricting, terms, qualifications, and**
18 **compensation of members.**

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

1 A. The County Commission shall be composed of ~~nine (9)~~ ten (10) members
2 ~~electd from single member districts;~~ nine (9) Commissioners elected from
3 single-member districts; and one (1) Mayor elected at large. If the Office of Mayor ever
4 lapses due to the existence of a vacancy, the County Commission shall be composed of
5 nine (9) members from single-member districts until the Office of Mayor is reinstituted
6 pursuant to Section 2.01.A(6) below.

7 ...

8 (5) Beginning with the 2024 General Election, the Mayor shall be elected at
9 large, and shall serve for a term of four (4) years. The Mayor must be a
10 County elector and resident.

11 (6) If there is a vacancy (as defined by Article X, Section 3 of the Florida
12 Constitution) in the Office of Mayor, the Office shall automatically lapse and
13 remain lapsed until the next General Election, at which point the Office shall
14 be automatically reinstituted for a new four-year term, effective as of the
15 date a Mayor elected in that General Election will take office, provided that
16 if the Office has lapsed and no candidate for Mayor qualifies during the next
17 General Election, the Office shall remain lapsed until filled in a subsequent
18 General Election in accordance with this provision.

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

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

1 D. The Commissioners' salaries shall be determined and established in
2 accordance with the general law of the State of Florida pertaining to compensation for
3 Commissioners of non-charter counties. The Mayor's salary shall be \$220,000 for the
4 2025 fiscal year (prorated for the first year), and every fiscal year thereafter shall increase
5 or decrease on October 1 in accordance with the Consumer Price Index for All Urban
6 Consumers (CPI-U), All Items, Miami-Fort Lauderdale-West Palm Beach, FL, calculated
7 by the United States Department of Labor, or successor index, for the preceding calendar
8 year as most recently reported by the United States Department of Labor. Commissioners
9 and the Mayor shall only be reimbursed for expenses that are specifically approved by
10 the County Commission, and when properly incurred on County business, in conformance
11 with the laws of the State of Florida.

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

16 F. During the Mayor's term in Office, the Mayor shall not earn or receive any
17 earned income from any outside employment or as an independent contractor, and shall
18 not serve as a compensated officer or director of any business entity. Nothing in this
19 section in any way restricts the Mayor, to the extent not otherwise prohibited by law, from
20 managing the Mayor's personal investments, including real estate and securities, whether
21 individually held, jointly held, or as a fiduciary for an entity in which the Mayor has an
22 ownership interest, so long as the Mayor does not receive compensation or other
23 remuneration for such management, or from participating in the activities of nonprofit
24 charitable, religious, professional, or social organizations, including by serving on any

1 such organization's board of directors, provided the Mayor does not receive
2 compensation or other remuneration for such participation or service.

3 Section 2. Subject to an affirmative vote of the general electorate, Section 2.02
4 of the Charter of Broward County, Florida, entitled "Term limitation for County
5 Commissioner office," is hereby amended, effective November 8, 2024, to read as
6 follows:

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

8 ~~Effective with the terms of the Commissioners that commenced in November 2000,~~
9 ~~a~~An individual shall not be eligible for election as a Commissioner for more than three (3)
10 ~~consecutive four-year terms. Service as a Commissioner prior to the terms that~~
11 ~~commenced in November 2000 shall not be considered in applying the term limitations of~~
12 ~~this section.~~ An individual shall not be eligible for election as Mayor for more than two (2)
13 consecutive four-year terms. ~~Service of a two-year term, or any other partial term~~
14 ~~subsequent to November 2000,~~ shall not be considered in applying the term limitation
15 provisions of this section. For purposes of this section, the offices of Mayor and County
16 Commissioner shall be considered separate offices, and service as the Mayor or County
17 Commissioner shall not be considered when applying the term limitation provisions in this
18 section to the other office.

19 Section 3. Subject to an affirmative vote of the general electorate, Section 2.03
20 of the Charter of Broward County, Florida, entitled "Commission election of Mayor and
21 Vice-Mayor," is hereby amended, effective November 8, 2024, to read as follows:

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

23 A. ~~The County Commission shall elect one (1) Commissioner to the position~~
24 ~~of Mayor by a majority vote. The election of the Mayor shall occur on an annual basis,~~

1 ~~during the County Commission's annual organizational meeting, which shall take place~~
2 ~~no earlier than the third Tuesday of each November and no later than the third Tuesday~~
3 ~~of each December. The County Commission may remove the individual from the position~~
4 ~~of Mayor by a majority vote. The Mayor may serve consecutive terms.~~

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

9 In the Mayor's absence, the Vice-Mayor shall have all the rights, privileges, and duties of
10 the Mayor, except that the Vice-Mayor shall not be subject to Section 2.01.F of the Charter
11 and shall receive the same salary as other County Commissioners. The County
12 Commission may remove the individual from the position of Vice-Mayor by a majority
13 vote. The Vice-Mayor may serve consecutive terms.

14 ~~C. B.~~ In the event the position of Mayor shall become vacant for any reason, the
15 Vice-Mayor shall automatically become Mayor and serve as Mayor for the balance of the
16 Mayor's term. The Commission shall elect a new Vice-Mayor who shall serve for the
17 balance of the Mayor's term. If the Office of Mayor lapses pursuant to Section 2.01.A of
18 the Charter, all duties and powers of the Office arising under the Charter, Florida Statutes,
19 Broward County Code of Ordinances, or the Broward County Administrative Code shall
20 automatically be transferred on a temporary basis to the Vice-Mayor until such time as a
21 Mayor takes office pursuant to Section 2.01 of the Charter. During the period in which the
22 Vice-Mayor has the duties and powers of the Office of Mayor, the Vice-Mayor's service
23 shall be treated as continuous service as a Commissioner for purposes of term limitation
24 provisions, Section 2.01.F of the Charter shall not apply, and the Vice-Mayor shall

1 continue to receive the same salary as any other County Commissioner. If, for any reason,
2 the duties of Mayor are being performed by anyone not elected to the position of Mayor
3 in a countywide election, the Board of County Commissioners may by majority vote
4 transfer the Office's powers and duties to any member of the County Commission, and
5 during such period, such Commissioner's service shall be treated as continuous service
6 as a Commissioner for purposes of term limitation provisions, Section 2.01.F of the
7 Charter shall not apply, and the Commissioner shall continue to receive the same salary
8 as the other County Commissioners.

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

15 D. Except for the temporary performance of the Mayor's duties pursuant to this
16 section, if anyone is ever appointed to the Office of Mayor to fill a vacancy, or upon final
17 judicial determination, including all appeals, that under Florida law any vacancy in the
18 Office of Mayor must be filled by appointment, the amendment to the Charter establishing
19 such Office of Mayor, approved November 8, 2022, shall be automatically void in its
20 entirety and the structure of Broward County Board of County Commissioners shall revert
21 to the structure that existed as of November 7, 2022.

22 Section 4. Subject to an affirmative vote of the general electorate, Section 2.04
23 of the Charter of Broward County, Florida, entitled "Mayor–Duties and responsibilities," is
24 hereby amended, effective November 8, 2024, to read as follows:

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

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

5 A. The Mayor shall be recognized as the head of the County by the Governor
6 for purposes of military law, and for service of process. Unless the County Commission
7 designates another member of the County Commission, ~~the~~ Mayor shall act as the
8 County official designated to represent the County in negotiations with respect to
9 agreements with other governmental entities, execute ordinances, resolutions,
10 proclamations, and other legislative documents, and perform such other duties as
11 specified in this Charter and as may be required by the County Commission, or as
12 required by law.

13 . . .

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

19 . . .

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

1 Section 6. In accordance with Section 100.342, Florida Statutes, at least thirty
2 (30) days' notice of the referendum election shall be published by the Broward County
3 Administrator in a newspaper of general circulation in Broward County. The publication
4 shall be made at least twice, including once in the fifth week and once in the third week
5 prior to the week in which the referendum is to be held. The notice is hereby attached as
6 Exhibit A and made a part hereof.

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

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

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

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

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

BROWARD COUNTY MAYOR ELECTED AT LARGE

"Shall the Broward County Charter be amended to provide a Charter Office of Broward County Mayor, to be elected at large starting with the 2024 General Election, with (1) the Mayor exercising such powers as granted by the Charter, (2) annual compensation of \$220,000, adjusted for inflation, (3) no person eligible to serve as Mayor for more than two consecutive four-year terms, and (4) a prohibition on outside employment while serving as Mayor?"

YES _____

NO _____

Section 12. 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, unless a Court finds that the Office of Mayor may or must be filled by appointment by the Governor of the State of Florida resulting from a vacancy or lapse in the Office, in which event it is the intent of the Board that this amendment shall be deemed invalid in its entirety. 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.

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 a Charter Office of Broward County Mayor, to be elected at large starting with the 2024 General Election, with (1) the Mayor exercising such powers as granted by the Charter, (2) annual compensation of \$220,000, adjusted for inflation, (3) no person eligible to serve as Mayor for more than two consecutive four-year terms, and (4) a prohibition on outside employment while serving as Mayor?"

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