

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, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO CONFORM THE CHARTER TO THE FLORIDA CONSTITUTION AND TO CHAPTER 2020-194 OF THE LAWS OF FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on November 5, 1974, a majority of the electors of Broward County (the "County") approved the Broward County Charter (the "Charter"), which became effective on January 1, 1975;

WHEREAS, the Charter abolished the Office of Tax Collector and transferred the duties of that office to the County's Finance and Administrative Services Department, as permitted under the Florida Constitution at that time;

WHEREAS, pursuant to that same authority, the Charter also transferred the duties of the Broward County Clerk of Courts ("Clerk of Courts") as ex officio clerk of the Board of County Commissioners ("Board") to the County Administrator, and transferred the Clerk of Courts' duties as auditor, custodian of County funds, and recorder of public documents to the County's Finance and Administrative Services Department;

WHEREAS, in the General Election on November 6, 2018, Florida voters approved an amendment to the Florida Constitution ("Amendment 10") that eliminated the ability of a county charter to choose county officers in a manner other than election, to abolish county offices, or to transfer the duties of certain county officers to another office or officer;

WHEREAS, by its terms, Amendment 10 will become effective for Broward County on January 7, 2025;

1 WHEREAS, Chapter 2020-194 of the Laws of Florida (the “Special Law”), enacted
2 by the Florida Legislature in 2020 subject to approval by the County’s electorate, allows
3 the County Administrator to continue to perform the duties of ex officio clerk of the Board,
4 auditor, and custodian of County funds, notwithstanding Amendment 10;

5 WHEREAS, the Special Law does not modify the requirement under
6 Amendment 10 that the function of recorder be transferred to the Clerk of Courts by 2025;

7 WHEREAS, the County’s electorate overwhelmingly approved the Special Law
8 during a referendum election held on November 3, 2020; and

9 WHEREAS, the Charter must be amended to ensure consistency with the Florida
10 Constitution and the Special Law, NOW, THEREFORE,

11
12 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
13 BROWARD COUNTY, FLORIDA:

14
15 Section 1. Subject to an affirmative vote of the general electorate, Section 3.06
16 of the Charter of Broward County, Florida, entitled “Department of Finance and
17 Administrative Services; budget system,” is hereby amended, effective January 7, 2025,
18 to read as follows:

19 **Sec. 3.06. ~~Department of Finance and Administrative Services~~ Department;**
20 **~~budget system.~~**

21 A. There shall be a ~~Department~~ of Finance and Administrative Services
22 Department that shall be responsible for the administration of all financial matters related
23 to County government. ~~The Office of Tax Collector is hereby abolished, and all functions~~
24

1 ~~and duties of that office are hereby transferred to the Department of Finance and~~
2 ~~Administrative Services.~~

3 B. Unless otherwise provided for in this Charter, all fiscal functions and duties
4 now prescribed by the Constitution and the laws of the State of Florida for the office of
5 Clerk of the Circuit Court and County Comptroller ~~which~~ that relate to their duties as the
6 custodian of all County funds, ~~or auditor and recordation of public documents~~ shall be the
7 responsibility of the County Administrator, who will oversee the Department of Finance
8 and Administrative Services Department.

9 C. The ~~Department of Finance and Administrative Services~~ Department shall
10 assist the appropriate County officer or officers in the preparation and execution of the
11 County budget and capital program, and perform such other duties as may be prescribed
12 by the County Code and the Administrative Code.

13 . . .

14
15 Section 2. A referendum election is called for the General Election on
16 November 8, 2022, and at such other times as permitted for voting under Chapter 101,
17 Florida Statutes, to determine whether to amend the Broward County Charter to conform
18 to sections 1 and 6 of Article VIII of the Florida Constitution pursuant to changes made
19 by Amendment 10 and the Special Law approved on November 3, 2020.

20
21 Section 3. In accordance with Section 100.342, Florida Statutes, at least thirty
22 (30) days' notice of the referendum election shall be published by the County
23 Administrator in a newspaper of general circulation in Broward County. The publication
24 shall be made at least twice, including once in the fifth week and once in the third week

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

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

3
4 Section 4. Said referendum election shall be held between the hours of
5 7:00 a.m. and 7:00 p.m. on Tuesday, November 8, 2022, and at such other days and
6 times as provided under applicable law, including early voting as provided by
7 Section 101.657, Florida Statutes, at polling places established in Broward County. All
8 registered and qualified electors in Broward County shall be eligible to vote in the
9 referendum election. Vote-by-mail ballots and early voting access for the referendum
10 shall be made available as provided by law.

11
12 Section 5. The election boards consisting of the clerks and inspectors
13 appointed to serve for the November 8, 2022, General Election are hereby appointed to
14 serve in the referendum election in the manner provided by law.

15
16 Section 6. The Broward County Canvassing Board shall canvass the returns in
17 said election and shall certify the results of the referendum election as provided by law.

18
19 Section 7. The County Administrator shall furnish a certified copy of this
20 Resolution to the Supervisor of Elections for Broward County promptly upon adoption by
21 the Board.

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

4 **AMENDS COUNTY CHARTER TO BE CONSISTENT WITH CONSTITUTIONAL**
5 **AMENDMENT AND SPECIAL LAW REGARDING COUNTY OFFICES**

6 “Amends the County Charter to make it consistent with a 2018 amendment to the
7 Florida Constitution, which eliminated the County Charter’s authority to abolish or transfer
8 the duties of county offices, and to a Special Law, Chapter 2020-194 of the Laws of
9 Florida, which the County’s voters approved in 2020.”

10 YES _____

11 NO _____

12 **FINANCIAL IMPACT STATEMENT:**

13 It is estimated that this amendment will have no financial impact to Broward
14 County.

15
16 Section 9. Severability.

17 If any portion of this Resolution is determined by any court to be invalid, the invalid
18 portion will be stricken, and such striking will not affect the validity of the remainder of this
19 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
20 legally applied to any individual, group, entity, property, or circumstance, such
21 determination will not affect the applicability of this Resolution to any other individual,
22 group, entity, property, or circumstance. If the County determines any part of the ballot
23 statement is contrary to state law, the County Attorney is authorized to request that the
24

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Exhibit A

NOTICE OF REFERENDUM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, AND AT SUCH OTHER TIMES AS PROVIDED FOR EARLY VOTING BY SECTION 101.657, FLORIDA STATUTES, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO CONFORM THE CHARTER TO THE FLORIDA CONSTITUTION AND TO CHAPTER 2020-194 OF THE LAWS OF FLORIDA.

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.

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, with the appropriate Chapter reference to the Laws of Florida, when available, inserted:

AMENDS COUNTY CHARTER TO BE CONSISTENT WITH CONSTITUTIONAL AMENDMENT AND SPECIAL LAW REGARDING COUNTY OFFICES

“Amends the County Charter to make it consistent with a 2018 amendment to the Florida Constitution, which eliminated the County Charter’s authority to abolish or transfer the duties of county offices, and to a Special Law, Chapter 2020-194 of the Laws of Florida, which the County’s voters approved in 2020.”

YES _____

NO _____

FINANCIAL IMPACT STATEMENT:

It is estimated that this amendment will have no financial impact to Broward County.

A complete copy of the proposed amendment is available at Broward.org/charter.

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