

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 Jared Moskowitz)

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

WHEREAS, the proposed amendment would create a new Charter position of Broward County Mayor who would be elected by voters countywide on a partisan basis for a four-year term;

WHEREAS, if the proposed Charter amendment is passed by the electorate, the Broward County Mayor would not be a member of the Board of County Commissioners, but would be the ceremonial head of the County and would have other powers as provided in the Charter;

WHEREAS, the current Charter Offices of Mayor and Vice-Mayor would be retitled to "Chair" and "Vice-Chair," respectively; and

1 WHEREAS, Broward County's voters should have the opportunity to exercise their
2 right to decide whether the Mayor of Broward County should be elected on a countywide
3 basis; NOW, THEREFORE,
4

5 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
6 BROWARD COUNTY, FLORIDA:
7

8 Section 1. Subject to an affirmative vote of the general electorate, the section
9 of the Broward County Charter entitled "DEFINITIONS" is hereby amended, effective
10 November 8, 2024, to read as follows:

11 **DEFINITIONS**

12 For purposes of this Charter, the following terms shall be defined as follows:

13 . . .

14 *County Commission.* The Board of County Commissioners, including the ~~Mayor~~
15 Chair and Vice-Chair.

16 . . .

17 *Legislative Branch.* The ~~Mayor and~~ County Commission.

18 Mayor. A charter officer elected in a countywide election.

19 . . .

20 Section 2. Subject to an affirmative vote of the general electorate, Article II. of
21 the Charter, entitled "LEGISLATIVE BRANCH: COUNTY COMMISSION," is hereby
22 amended, effective November 8, 2024, to read as follows:

23 **ARTICLE II. LEGISLATIVE BRANCH: COUNTY COMMISSION AND MAYOR**

24 . . .

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

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

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

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

12 B. Following the election of the ~~Mayor~~ Chair, the County Commission shall
13 elect a Commissioner to the position of ~~Vice-Mayor~~ Vice-Chair by a majority vote. In the
14 ~~Mayor's~~ Chair's absence, the ~~Vice-Mayor~~ Vice-Chair shall have all the rights, privileges,
15 and duties of the ~~Mayor~~ Chair. The County Commission may remove the individual from
16 the position of ~~Vice-Mayor~~ Vice-Chair by a majority vote. The ~~Vice-Mayor~~ Vice-Chair may
17 serve consecutive terms.

18 C. In the event the position of ~~Mayor~~ Chair shall become vacant for any reason,
19 the ~~Vice-Mayor~~ Vice-Chair shall automatically become ~~Mayor~~ Chair and serve as ~~Mayor~~
20 Chair for the balance of the ~~Mayor's~~ Chair's term. The Commission shall elect a new
21 ~~Vice-Mayor~~ Vice-Chair who shall serve for the balance of the ~~Mayor's~~ Chair's term.

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1 D. In the event the position of ~~Vice-Mayor~~ Vice-Chair shall become vacant for
2 any reason, the Commission shall elect a new ~~Vice-Mayor~~ Vice-Chair who shall serve for
3 the balance of the ~~Vice-Mayor's~~ Vice-Chair's term.

4 Section 4. Subject to an affirmative vote of the general electorate, Section 2.04
5 of the Charter, entitled "Mayor-Duties and responsibilities," is hereby amended, effective
6 November 8, 2024, to read as follows:

7 **Sec. 2.04. ~~Mayor~~ Chair-Duties and responsibilities.**

8 ~~The position of Mayor is created in order to provide for an elected County~~
9 ~~representative who shall serve as the County's official representative and ceremonial~~
10 ~~dignitary, and who shall provide leadership on issues facing the County.~~

11 A. The ~~Mayor~~ Chair shall be recognized as the head of the County ~~by the~~
12 ~~Governor for the purposes of military law, and for service of process. The Mayor Chair~~
13 ~~shall act as the County official designated to represent the County in negotiations with~~
14 ~~respect to agreements with other governmental entities, execute ordinances, resolutions,~~
15 ~~proclamations, and other legislative documents, and perform such other duties as~~
16 ~~specified in this Charter and as may be required by the County Commission, or as~~
17 ~~required by law.~~

18 B. The ~~Mayor Chair~~ shall be entitled to budget for and to employ a staff, subject
19 to approval by a majority of the County Commission.

20 C. ~~The Mayor shall present an annual "State of the County" message, setting~~
21 ~~forth programs and recommendations to the County Commission.~~

22 ~~D.~~ The ~~Mayor~~ Chair shall serve as the Chair of the County Commission and
23 shall call the ~~Board~~ County Commission into regular and special session.

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underscored type are additions.

1 ~~E. D.~~ The Mayor Chair shall attend all County Commission meetings, has the right
2 to take part in discussions and public hearings, and shall vote on all matters before the
3 County Commission.

4 ~~F. E.~~ The Mayor Chair, or designee, shall approve all items prior to placing the
5 items on the County Commission agenda, other than those items placed on an agenda
6 by a Commissioner or the County Auditor.

7 ~~G.~~ When an emergency has placed the citizens of the County in danger of loss
8 of life or property and a regular or special meeting of the County Commission cannot
9 practically be convened, a state of emergency may be declared by the Mayor, in
10 consultation with the County Administrator. The Mayor, or designee, shall implement the
11 provisions of the County's Emergency Management Plan. Nothing in this section shall be
12 construed to limit the authority of the County Commission to declare, limit, or terminate a
13 state of emergency, and take any action authorized by law, when convened in a regular
14 or special meeting.

15 ~~H. F.~~ In the event the County Commission establishes a Commission Committee
16 to review the County Administrator's nominations for department heads, the Mayor Chair
17 shall preside over the Commission Committee and make appointments to the
18 Commission Committee.

19 Section 5. Subject to an affirmative vote of the general electorate, Section 2.05
20 of the Charter, entitled "Mayor–Election, term limits, and vacancy," is hereby created,
21 effective November 8, 2024 (except that Section 2.05 shall govern with respect to
22 qualifying for and holding the Primary and General Elections for Mayor in 2024), to read
23 as follows:

24 [Underlining omitted]

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 underlined type are additions.

1 **Sec. 2.05. Mayor–Election, term limits, qualification, compensation, and**
2 **vacancy.**

3 The Office of Mayor is hereby created as follows:

4 A. *Election.* Beginning with the 2024 General Election, the Mayor shall be
5 elected at large on a partisan basis.

6 B. *Term.* The Mayor shall serve for a term of four (4) years, which shall begin
7 on the Tuesday two (2) weeks following the day of the General Election.

8 C. *Term Limits.* An individual shall not be eligible for election as Mayor for more
9 than two (2) consecutive four-year terms.

10 D. *Qualifications.* The Mayor must be a County elector and resident.

11 E. *Compensation.* The Mayor's salary shall be the same as the salary of the
12 Broward County Sheriff. The Mayor shall only be reimbursed for expenses that are
13 specifically approved by the County Commission, and when properly incurred on County
14 business, in conformance with the laws of the State of Florida.

15 F. *Vacancy.*

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

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1 2. If the Office of Mayor lapses, all duties and powers of the Office arising
2 under the Charter, the Florida Statutes, the Broward County Code of
3 Ordinances, or the Broward County Administrative Code shall automatically
4 be transferred on a temporary basis to the Chair until such time as a Mayor
5 takes office. During the period in which the Chair has the duties and powers
6 of the Office of Mayor, the Chair shall continue to serve as a member of the
7 County Commission, and such service shall be treated as continuous
8 service as a Commissioner for purposes of term limitation and
9 compensation provisions. If, for any reason, the duties of Mayor are being
10 performed by anyone not elected to the position of Mayor in a countywide
11 election, the County Commission may by majority vote transfer the Office's
12 powers and duties to any Commissioner, and such Commissioner's service
13 shall be treated as continuous service as a Commissioner for purposes of
14 term limitation provisions.

15 3. 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,
17 or upon final judicial determination, including all appeals, that under Florida
18 law any vacancy in the Office of Mayor must be filled by appointment, the
19 amendment to the Charter establishing such Office of Mayor, approved
20 November 8, 2022, shall be automatically void in its entirety, and the
21 structure of the government of Broward County shall revert to the structure
22 that existed on November 7, 2022.

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1 Section 6. Subject to an affirmative vote of the general electorate, Section 2.06
2 of the Charter, entitled "Mayor–Duties and responsibilities," is hereby created, effective
3 November 8, 2024, to read as follows:

4 [Underlining omitted]

5 **Sec. 2.06. Mayor–Duties and responsibilities.**

6 The Mayor is an elected County representative who shall serve as the County's
7 official representative and ceremonial dignitary, and who shall provide leadership on
8 issues facing the County.

9 A. Except as expressly provided in Section 2.04 of this Charter, the Mayor shall
10 be recognized as the head of the County, including by the Governor for purposes of
11 military law. The Mayor shall annually present a "State of the County" message.

12 B. The Mayor shall promote Broward County as a business location, tourist
13 destination, and residential community.

14 C. When an emergency places the residents of Broward County in danger of
15 loss of life or property, a state of emergency may be declared by the Mayor. The Mayor
16 may also terminate a state of emergency. Nothing in this section shall be construed to
17 limit the authority of the County Commission to declare, limit, or terminate a state of
18 emergency, or to take any action authorized by law, when convened in a regular or special
19 meeting. Any decision by the County Commission to declare, limit, or terminate a state of
20 emergency shall be final except as provided by law.

21 D. The Mayor shall have the right to speak and be present during County
22 Commission meetings but shall not be a member of the Board, vote on propositions, or
23 place items on the County Commission agenda.

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1 E. The Mayor shall represent the County in negotiations with respect to
2 agreements with other governmental entities.

3 F. The Mayor shall have the power to meet and confer with individual
4 Commissioners, subject to applicable law, including the Sunshine Law.

5 G. The Mayor shall be entitled to staff and a budget, subject to approval by the
6 County Commission.

7 Section 7. Subject to an affirmative vote of the general electorate, Section 2.05
8 of the Charter, entitled "County Commission meetings, rules and voting," is hereby
9 amended, effective November 8, 2024, to read as follows:

10 **Sec. ~~2.05~~ 2.07. County Commission meetings, rules, and voting.**

11 A. The County Commission shall meet regularly at such times and places as
12 the County Commission may prescribe by rule. Special meetings may be held on the call
13 of the ~~Mayor~~ Chair or a majority of the members of the County Commission upon no less
14 than twelve (12) hours' notice to each member, except in the event of an emergency.

15 . . .

16 Section 8. Subject to an affirmative vote of the general electorate, Section 2.07
17 of the Charter, entitled "Non-interference in County administration," is hereby amended,
18 effective November 8, 2024, to read as follows:

19 **Sec. ~~2.07~~ 2.09. Non-interference in County administration.**

20 Except for the purpose of formal inquiries and investigations, the County
21 Commission ~~and~~, its members, and the Mayor shall deal with County officers and
22 employees who are subject to the direction and supervision of the County Administrator
23 solely through the County Administrator, ~~and neither~~. ¶The County Commission nor, its
24 members, and the Mayor shall not give orders to any such officer or employee, either

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1 publicly or privately. Nothing in the foregoing is to be construed to prohibit individual
2 members of the Commission or the Mayor from closely scrutinizing, by question and
3 personal observation, all aspects of County government operations so as to obtain
4 independent information to assist ~~the members~~ in the formulation of sound policies ~~to be~~
5 ~~considered by the Commission~~. It is the express intent of this provision, however, that
6 such inquiry shall not interfere directly with the ordinary operations of the County, and
7 that recommendations for change or improvement in County government operations be
8 made through the County Administrator.

9 Section 9. Subject to an affirmative vote of the general electorate, Section 2.08
10 of the Charter, entitled "Commission committees," is hereby amended, effective
11 November 8, 2024, to read as follows:

12 **Sec. ~~2.08~~ 2.10. Commission committees.**

13 . . .

14 B. The County Commission may establish the Commission Committees by a
15 vote of one (1) more than that which would constitute a majority vote of the full County
16 Commission. The Commission Committees shall be comprised solely of Commissioners
17 whom the Mayor Chair shall nominate to the respective Commission Committee subject
18 to the approval of the County Commission.

19 . . .

20 Section 10. Subject to an affirmative vote of the general electorate, Section 2.10
21 of the Charter, entitled "Office of the County Attorney," is hereby amended, effective
22 November 8, 2024, to read as follows:

23 **Sec. ~~2.10~~ 2.12. Office of the County Attorney.**

24 . . .

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1 B. The County Attorney shall be the chief legal counsel to the County and shall
2 direct and supervise the County Attorney's Office. The County Attorney shall represent
3 the County, the County Commission, the Mayor, the County Administrator, the
4 department heads, all departments and divisions of the County, all Boards, Committees,
5 Agencies, and Authorities in all legal matters affecting the County, unless otherwise
6 provided for in the Charter or by ordinance. Upon request, the County Attorney may
7 represent the Constitutional Officers.

8 . . .

9 E. The County Attorney shall keep the County Commission and the Mayor
10 advised on pending litigation matters on a periodic basis.

11 . . .

12 Section 11. Subject to an affirmative vote of the general electorate, Section 3.03
13 of the Charter, entitled "Powers, functions and duties of the County Administrator," is
14 hereby amended, effective November 8, 2024, to read as follows:

15 **Sec. 3.03. Powers, functions, and duties of the County Administrator.**

16 . . .

17 G. All functioning duties now prescribed by the Constitution and laws of the
18 State of Florida for the office of the Clerk of the Circuit Court or County Comptroller, which
19 relate to their duties as the ~~ex-officio~~ ex officio Clerk of the County Commission, are
20 hereby transferred to the County Administrator or the County Administrator's designee.
21 Pursuant to direction by the County Commission, the County Administrator shall:

22 . . .

23 (5) Perform such other duties as the ~~Mayor~~ or County Commission may
24 prescribe.

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1 Section 12. Subject to an affirmative vote of the general electorate, Section 8.02
2 of the Charter, entitled "Composition of Broward County Planning Council," is hereby
3 amended, effective November 8, 2024, to read as follows:

4 **Sec. 8.02. Composition of Broward County Planning Council.**

5 The membership of the Planning Council shall be appointed as follows:

6 A. One (1) member shall be a Commissioner nominated by the ~~Mayor~~ Chair,
7 and approved by a majority vote of the County Commission to represent it for a time
8 specified by the County Commission.

9 . . .

10 Section 13. It is the intention of the Board of County Commissioners that the
11 amendments to the Charter, if approved by the voters, be included in the Charter. The
12 remaining articles and sections of the Charter shall be renumbered or relettered to the
13 extent necessary in order to accomplish such intention.

14 Section 14. A referendum election is called for the General Election on
15 November 8, 2022, and at such other times as permitted for voting under Chapter 101,
16 Florida Statutes, to determine whether the Broward County Charter should be amended
17 to create a Mayor elected countywide.

18 Section 15. In accordance with Section 100.342, Florida Statutes, at least thirty
19 (30) days' notice of the referendum election shall be published by the Broward County
20 Administrator in a newspaper of general circulation in Broward County. The publication
21 shall be made at least twice, including once in the fifth week and once in the third week
22 prior to the week in which the referendum is to be held. The notice is hereby attached as
23 Exhibit A and made a part hereof.

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1 Section 16. Said referendum election shall be held between the hours of
2 7:00 a.m. and 7:00 p.m. on November 8, 2022, and at such other days and times as
3 provided under applicable law, including for early voting as provided by Section 101.657,
4 Florida Statutes, at the polling places established in Broward County. All registered and
5 qualified electors in Broward County shall be eligible to vote in the referendum election.
6 Vote-by-mail ballots and early voting access for the referendum shall be made available
7 as provided by law.

8 Section 17. The election boards consisting of the clerks and inspectors
9 appointed to serve for the November 8, 2022, General Election are hereby appointed to
10 serve in the referendum election in the manner provided by law.

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

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

16 Section 20. The title and summary of the referendum to appear on the
17 November 8, 2022, General Election, as embodied in this enabling Resolution, shall be
18 as follows:

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1 **BROWARD COUNTY MAYOR ELECTED AT LARGE**

2 Amends the Broward County Charter to create a new Office of Mayor, with the Mayor
3 being elected at large starting in 2024. Among other powers prescribed by the Broward
4 County Charter, the Mayor shall be the County's ceremonial head and shall have certain
5 emergency management powers as delineated by the Charter, but shall not be a member
6 of the County Commission. The prior position of Mayor shall be retitled as "Chair."

7 YES _____

8 NO _____

9 Section 21. Severability.

10 If any portion of this Resolution is determined by any court to be invalid, the invalid
11 portion will be stricken, and such striking will not affect the validity of the remainder of this
12 Resolution, unless a Court finds that the Office of Mayor may or must be filled by
13 appointment by the Governor of the State of Florida resulting from a vacancy in the Office,
14 in which event it is the intent of the Board that this amendment shall be deemed invalid in
15 its entirety. If any court determines that this Resolution, in whole or in part, cannot be
16 legally applied to any individual, group, entity, property, or circumstance, such
17 determination will not affect the applicability of this Resolution to any other individual,
18 group, entity, property, or circumstance.

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1 Section 22. Effective Date.

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

5
6 ADOPTED this day of , 2022.

7
8 Approved as to form and legal sufficiency: **PROPOSED**
9 Andrew J. Meyers, County Attorney

10
11 By /s/ Joseph. K. Jarone 05/25/2022
12 Joseph K. Jarone (date)
Assistant County Attorney

13
14 By /s/ René D. Harrod 05/25/2022
15 René D. Harrod (date)
16 Chief Deputy County Attorney

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23 JKJ/mb
24 CJM Elected Mayor Amendment
05/26/2022

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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

Amends the Broward County Charter to create a new Office of Mayor, with the Mayor being elected at large starting in 2024. Among other powers prescribed by the Broward County Charter, the Mayor shall be the County's ceremonial head and shall have certain emergency management powers as delineated by the Charter, but shall not be a member of the County Commission. The prior position of Mayor shall be retitled as "Chair."

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