

1 RESOLUTION NO. 2020-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 PROVIDING FOR A REFERENDUM ELECTION TO BE
5 HELD ON NOVEMBER 3, 2020, THE DATE OF THE
6 GENERAL ELECTION, TO DETERMINE WHETHER TO
7 AMEND THE BROWARD COUNTY CHARTER TO
8 EXPRESSLY ALLOW REGIONAL PARKS IN BROWARD
9 COUNTY TO BE USED FOR PUBLIC HEALTH AND
10 SAFETY PURPOSES DURING EMERGENCIES; AND
11 PROVIDING FOR SEVERABILITY AND AN EFFECTIVE
12 DATE.

13 WHEREAS, Broward County ("County") invests more than \$40 million annually in
14 the maintenance and operation of thousands of acres of parks, and welcomes millions of
15 visitors to County parks every year;

16 WHEREAS, under a 2011 amendment to the County Charter ("Charter"), County
17 Regional Parks may be used only for outdoor leisure, athletic, or recreational activities;

18 WHEREAS, although the County is committed to preserving County Regional
19 Parks for leisure, athletic, and recreational activities, certain public health or safety
20 circumstances, such as the ongoing worldwide pandemic of COVID-19, were not
21 anticipated in 2011 and were therefore not considered when limiting the permitted uses
22 of the Regional Parks;

23 WHEREAS, some County Regional Parks are optimal locations to serve critical
24 public health and safety needs in an urban county like Broward, such as conducting
25 medical testing, food distribution, and logistical staging during the COVID-19 pandemic
26 or in connection with hurricanes;

27 WHEREAS, natural disasters such as hurricanes and public safety emergencies
28 present unpredictable risks for every community in the County, and public health and

1 safety would be enhanced by the County being able to use its Regional Parks in response
2 to such emergencies;

3 WHEREAS, Section 2.06 of the Charter authorizes the Broward County Board of
4 County Commissioners (“Board”) to propose amendments and revisions to the Charter,
5 subject to a referendum of the general electorate;

6 WHEREAS, the Board desires to place an amendment to the Charter before the
7 voters at the November 3, 2020, General Election; and

8 WHEREAS, using Regional Parks for public health and safety purposes during a
9 declared state of emergency would not materially disrupt the public’s use and enjoyment
10 of the parks but would provide a countywide benefit to the County’s residents, NOW,
11 THEREFORE,

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

15 Section 1. Subject to an affirmative vote of the general electorate, Section 8.13
16 of the Charter of Broward County, Florida, titled Broward County park preservation, is
17 hereby amended to read as follows:

18 **Section 8.13. Broward County park preservation**

19 A. Definitions.

20 . . .

21 (4) “Public Health and Safety Purposes” shall mean use of an area of
22 park property during a declared state of emergency for public health

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1 and safety purposes, such as medical testing, food and supply
2 distribution, or logistical staging.

3 . . .

4 C. Regional Parks.

5 . . .

6 (2) ~~Regional Parks shall only be used for Park Purposes.~~ Regional Parks
7 may not be ~~sold, transferred, or~~ used for purposes other than as a Regional Park
8 Purposes or Public Health and Safety Purposes, and may not be sold or
9 transferred unless such ~~action~~ sale or transfer is approved by an affirmative vote
10 of no less than sixty percent (60%) of the electors of Broward County voting in a
11 referendum at either a general election or a special election called for that purpose.
12 If the County uses a Regional Park for Public Health and Safety Purposes during
13 a declared state of emergency and such use changes the condition of the park,
14 the County shall, promptly upon expiration of the declared state of emergency,
15 restore all park property affected by such use to the condition that existed prior to
16 such use.

17 . . .

18 Section 2. A referendum election is called for the General Election on
19 November 3, 2020, and at such other times as permitted for voting under Chapter 101,
20 Florida Statutes, to determine whether the Charter should be amended to expressly
21 permit utilization of County Regional Parks for Public Health and Safety Purposes.

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

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1 shall be made at least twice, including once in the fifth week and once in the third week
2 prior to the week in which the referendum is to be held. The notice is hereby attached as
3 Exhibit A and made a part hereof.

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 3, 2020, 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 Section 5. The election boards consisting of the clerks and inspectors
12 appointed to serve for the General Election on November 3, 2020, are hereby appointed
13 to serve in the referendum election in the manner provided by law.

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

16 Section 7. The County Administrator shall timely furnish a certified copy of this
17 adopted Resolution to the Supervisor of Elections for Broward County.

18 Section 8. The title and summary of the referendum question to appear on the
19 General Election ballot on November 3, 2020, as embodied in this enabling Resolution,
20 shall be as follows:

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1 **USE OF REGIONAL PARKS TO PROTECT PUBLIC HEALTH AND SAFETY**
2 **DURING DECLARED STATE OF EMERGENCY**

3 “Amends the County Charter to expressly enable Regional Park use, without
4 referendum, during a declared state of emergency, for public health and safety purposes
5 such as medical testing, food and supply distribution, or logistical staging.”

6 YES _____

7 NO _____

8 **FINANCIAL IMPACT STATEMENT:**

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

11 Section 9. Inclusion in the Broward County Charter.

12 It is the intention of the Board of County Commissioners that the provisions of this
13 Charter amendment become part of the Broward County Charter as of the effective
14 date. The sections of the Charter may be renumbered or relettered to the extent
15 necessary in order to accomplish such intention.

16 Section 10. 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, including the fiscal impact statement, is contrary to state law, the County
24 Attorney is authorized to request that the Supervisor of Elections remove the applicable

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Exhibit A

NOTICE OF REFERENDUM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, 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 EXPRESSLY ALLOW REGIONAL PARKS IN BROWARD COUNTY TO BE USED FOR PUBLIC HEALTH AND SAFETY PURPOSES DURING EMERGENCIES.

A countywide referendum election will be held on Tuesday, November 3, 2020, 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 expressly permit Broward County Regional Parks to be used for public health and safety purposes during a declared state of emergency.

As set forth in enabling Resolution No. 2020-____, 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:

**USE OF REGIONAL PARKS TO PROTECT PUBLIC HEALTH AND SAFETY
DURING DECLARED STATE OF EMERGENCY**

Amends the County Charter to expressly enable Regional Park use, without referendum, during a declared state of emergency, for public health and safety purposes such as medical testing, food and supply distribution, or logistical staging.

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 3, 2020, 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: September 29, 2020
Once on: October 13, 2020

B. Furnish two (2) proofs of publication and invoice to:

Mary Ann 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:

Board County Attorney's Office
Broward County Governmental Center
115 S. Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301