

PROPOSED

RESOLUTION NO. 2021-

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

WHEREAS, the proposed amendment would change the Office of Mayor from being Commission-elected on an annual basis to being elected countywide for a four-year term, but would not alter the powers of the Broward County Mayor, NOW, THEREFORE,

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

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

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

1 **Sec. 2.01. Composition, redistricting, terms, qualifications, and**
2 **compensation of members.**

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

8 A. The County Commission shall be composed of ~~nine (9)~~ ten (10) members
9 ~~elected from single-member districts;~~ nine (9) Commissioners elected from
10 single-member districts; and one (1) Mayor elected at large. In the event there is a
11 vacancy in the Office of Mayor, the Office shall lapse until such time as there is an election
12 to fill that Office, and during such period, the County Commission shall be composed of
13 nine (9) members from single-member districts.

14 . . .

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

18 (6) Should the Office of Mayor lapse due to a vacancy and, at the time of the
19 lapse, less than twenty-four (24) months remain in the Mayor's term, then
20 the Office shall be filled at the next general election unless the County
21 Commission by two-thirds (2/3) vote calls an earlier special election to fill
22 the Office. If, at the time of the lapse, at least twenty-four (24) months
23 remain in the Mayor's term, the County Commission must hold a special
24

1 election to fill the Office within a reasonable time, preferably to coincide with
2 a regularly scheduled election.

3 B. Commissioners and the Mayor shall be elected on a partisan basis. The
4 terms of office for both Commissioners and the Mayor shall begin on the Tuesday
5 two (2) weeks following the day of the general or special election.

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

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

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

23 F. During the Mayor's term in Office, the Mayor shall not earn or receive any
24 earned income from any outside employment or as an independent contractor, and shall

1 not serve as a compensated officer or director of any business entity. Nothing in this
2 section in any way restricts the Mayor from managing the Mayor's personal investments,
3 including real estate and securities, to the extent not otherwise prohibited by law, or from
4 participating in the activities of nonprofit charitable, religious, professional, or social
5 organizations, including by serving on any such organization's board of directors,
6 provided the Mayor does not receive compensation or other remuneration from the
7 organization.

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

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

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

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

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

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

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

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

20 ~~C. B. In the event the position of Mayor shall become vacant for any reason, the~~
21 ~~Vice Mayor shall automatically become Mayor and serve as Mayor for the balance of the~~
22 ~~Mayor's term. The Commission shall elect a new Vice-Mayor who shall serve for the~~
23 ~~balance of the Mayor's term. If the Office of Mayor lapses pursuant to Section 2.01.A. of~~
24 ~~the Charter, all duties and powers of Mayor shall be transferred to the Vice-Mayor, who~~

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1 shall become Interim Mayor until such time as a new Mayor is elected. For purposes of
2 term limitation provisions, service as Interim Mayor shall be considered service as a
3 County Commissioner. The Interim Mayor shall not be subject to Section 2.01.F. of the
4 Charter and shall receive the same salary as other County Commissioners.

5 D. C. In the event the position of Vice-Mayor shall become vacant for any reason,
6 including by the Vice-Mayor becoming the Interim Mayor, the County Commission shall
7 elect a new Vice-Mayor who shall serve for the balance of the Vice-Mayor's term or the
8 period during which there is an Interim Mayor, whichever is shorter.

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

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

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

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

21 Section 6. In accordance with Section 100.342, Florida Statutes, at least thirty
22 (30) days' notice of the referendum election shall be published by the Broward 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

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

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

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

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

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

21 **BROWARD COUNTY MAYOR ELECTED AT LARGE**

22 "Shall the Broward County Charter be amended to provide a Charter Office of
23 Broward County Mayor, to be elected at large starting with the 2024 General Election,
24 with (1) the Mayor exercising such powers as granted by the Charter, (2) annual

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1 compensation of \$220,000, adjusted annually for inflation, (3) no person eligible to serve
2 as Mayor for more than two consecutive four-year terms, and (4) a prohibition on outside
3 employment while serving as Mayor?"

4 YES _____

5 NO _____

6 FINANCIAL IMPACT STATEMENT:

7 It is estimated that this amendment would result in a financial impact of additional
8 costs in the amount of approximately \$707,000 per year.

9 Section 12. 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. If any court determines that this Resolution, in whole or in part, cannot be
13 legally applied to any individual, group, entity, property, or circumstance, such
14 determination will not affect the applicability of this Resolution to any other individual,
15 group, entity, property, or circumstance. If the County determines any part of the ballot
16 statement, including the fiscal impact statement, is contrary to state law, the County
17 Attorney is authorized to request that the Supervisor of Elections remove the applicable
18 language from the proposed ballot proposal and the Supervisor of Elections is authorized
19 to remove such language.

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1 Section 13. 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 the Broward
4 County Board of County Commissioners.

5
6 ADOPTED this day of , 2021.

7 **PROPOSED**

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

10 By /s/ Joseph K. Jarone 05/06/2021
11 Joseph K. Jarone (date)
12 Assistant County Attorney

13 By /s/ René D. Harrod 05/06/2021
14 René D. Harrod (date)
15 Deputy County Attorney

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22 JKJ/mb
23 Elected Mayor Amendment
24 05/06/2021
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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 PROVIDE FOR A COUNTYWIDE ELECTED MAYOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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. 2021-____, 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 annually 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 _____

FINANCIAL IMPACT STATEMENT:

It is estimated that this amendment would result in a financial impact of additional costs in the amount of approximately \$707,000 per year.

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 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 of County Commissioners
Accounting Division, Room 201
Governmental Center
115 S. Andrews Avenue
Fort Lauderdale, Florida, 33301