



# Broward County

## Legislation Text

File #: 21-2263, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ADOPT Resolution to place a proposed amendment to the Broward County Charter (the "Charter") on the ballot for the November 8, 2022, General Election, amending Section 3.06 of the Charter to conform the Charter to the Florida Constitution and to Chapter 2020-194 of the Laws of Florida, the title of which is as follows:

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.

#### Why Action is Necessary

The Charter authorizes the County Commission to propose amendments and revisions to the Charter, subject to referendum of the general electorate.

#### What Action Accomplishes

Places a referendum on the ballot to approve conforming the Charter to the Florida Constitution and to Chapter 2020-194 of the Laws of Florida.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

Under the Charter as adopted in 1974, Broward County abolished the Office of Tax Collector and transferred certain powers from the Clerk of Court to the County (ex officio clerk, auditor, recorder, and custodian of County funds). In 2018, an amendment to the Florida Constitution ("Amendment 10") removed the ability of a county charter to abolish constitutional offices and transfer the powers to another office. However, pursuant to a special law approved by the Legislature and the County's voters in 2020, the County will retain most of the Clerk of Court's nonjudicial functions, notwithstanding Amendment 10, except that the recording power will revert to the Clerk.

This Resolution proposes a Charter amendment to ensure consistency between the Charter and

Florida law, and places a question on the ballot at the General Election on November 8, 2022, to approve that Charter amendment. If approved by the County's electorate, the amendment will become effective on January 7, 2025, except that it will also apply for purposes of electing the Tax Collector during the 2024 General Election. If the Charter is not amended, those provisions of the Charter inconsistent with the Florida Constitution will become invalid and unenforceable.

Six (6) affirmative votes are required to place this proposed Charter amendment on the ballot.

**Source of Additional Information**

Joseph K. Jarone, Assistant County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Pursuant to Section 11.07 of the Broward County Charter, the County Auditor has reviewed the proposed amendment to the Charter and determined that the amendment would have no financial impact to Broward County. A memorandum from the County Auditor is attached hereto as Exhibit 2.