



Broward County

Legislation Text

File #: 20-1100, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution No. 2020-337 to place a referendum on the ballot to approve Committee Substitute for House Bill 989 ("HB 989"), 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 3, 2020, TO DETERMINE WHETHER TO APPROVE A SPECIAL LAW PERMITTING COUNTY TO TRANSFER THE DUTY OF THE RECORDER TO BROWARD COUNTY CLERK OF COURTS, TRANSFERRING DUTIES OF THE AUDITOR AND CUSTODIAN OF COUNTY FUNDS FROM THE FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT TO THE COUNTY ADMINISTRATOR, AND PROVIDING THAT THE COUNTY ADMINISTRATOR WILL REMAIN EX OFFICIO CLERK OF THE BOARD OF COUNTY COMMISSIONERS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Why Action is Necessary

HB 989 directs the Board of County Commissioners to submit HB 989 to the voters as a referendum on the same date as the November 2020 general election.

What Action Accomplishes

Places referendum on the ballot for the voters to consider approval of HB 989.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Under the Florida Constitution, the Clerk of the Circuit Court acts as the ex officio clerk of the Board of County Commissioners, and as the auditor, recorder, and custodian of all county funds unless those duties are transferred to another office by a special law or county charter. Since 1975, the Broward County Charter has provided that the County Administrator acts as clerk to the Board of County Commissioners and the Finance and Administrative Services Department serves as auditor, recorder, and custodian of public funds.

In 2018, voters approved Amendment 10 to the Florida Constitution. Amendment 10, which goes into effect in Broward County in 2025, eliminates a county's ability in its charter to transfer the above-referenced duties of the Clerk of the Circuit Court to another office. However, the Legislature may transfer those same duties by special law, which to be effective must be approved by referendum by the local electorate.

During the 2020 legislative session, the Florida Legislature approved HB 989, which, if approved by referendum, would: (1) maintain the County Administrator as clerk to the Board of County Commissioners; (2) transfer the duties of auditor and custodian of public funds to the County Administrator; and (3) permit the County to transfer the duty of recorder to the Broward County Clerk of Courts upon approval of an interlocal agreement. If HB 989 is not approved by the residents of Broward County, in 2025, the Broward County Clerk of Courts will become the ex officio clerk to the Board of County Commissioners, and the auditor, recorder, and custodian of all county funds. This would be a departure from the allocation of these duties that has been in effect since the effective date of the Broward County Charter approved by the County's voters in 1974.

This item does not affect the duties of the Broward County Auditor as provided for in Article IV of the Broward County Charter.

Source of Additional Information

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

Fiscal Impact

Fiscal Impact/Cost Summary

None.