

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY ADMINISTRATIVE
3 CODE; AMENDING SECTIONS 1-171 THROUGH 1-177 AND REPEALING
4 SECTIONS 1-178 AND 1-179 OF THE BROWARD COUNTY CODE OF ORDINANCES
5 ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND
6 AN EFFECTIVE DATE.

7 (Sponsored by the Board of County Commissioners)
8

9 WHEREAS, the Broward County Code of Ordinances ("Code") authorizes the
10 County Administrator to establish an administrative code for Broward County; and

11 WHEREAS, the Board of County Commissioners finds it appropriate at this time
12 to update the Code regarding the substance and procedures for the Broward County
13 Administrative Code,

14 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
15 BROWARD COUNTY, FLORIDA:

16 Section 1. Sections 1-171 through 1-177 of the Broward County Code of
17 Ordinances are hereby amended to read as follows:

18 **Sec. 1-171. Established; scope.**

19 (a) The ~~e~~County ~~a~~Administrator is hereby authorized and empowered to
20 establish an administrative code ("Administrative Code") for Broward County, Florida,
21 which, upon adoption ~~thereof as set forth hereunder~~ by the Board of County

Commissioners ("Board"), shall establish and govern, within the limits prescribed by the Charter and Code of Ordinances, the following:

- (1) The departmental organization of eCounty government;
- (2) The nature and scope of each County department ~~and any~~ divisions thereof, section, and office;
- (3) ~~All~~ Rules and procedures for the operation of each County department ~~and~~ division of county government, section, and office;
- (4) A comprehensive budget procedure;
- (5) A comprehensive personnel system; and
- (6) Any other rules and procedures deemed appropriate by the Board.

(b) ~~Upon~~ Following adoption by the Board of a resolution amending the ~~a~~Administrative eCode, it shall be treated and considered as a new and original comprehensive code, compilation of executive orders and internal control and procedural manuals which shall supersede the interim administrative code and all other general and permanent administrative procedures and executive orders issued by the board of county commissioners, county administrator or any other Charter officer authorized to issue executive orders or establish procedures on or before August 31, 1976, except such procedures and orders which by reference thereto, are expressly saved from repeal or continued in force and effect for any purpose the provisions as amended shall become part of the Administrative Code as of the effective date specified in the adopting resolution.

43 **Sec. 1-172. ~~Review, effective date and repeal~~ Adoption of the Administrative Code.**

44 (a) ~~The administrative code as prepared by the county administrator shall be~~
45 ~~submitted to the board of county commissioners for its review and consideration;~~
46 ~~thereafter the commission~~ The Board shall approve and adopt the Administrative eCode
47 ~~as submitted or amended within three (3) months of the date of submission and~~
48 ~~amendments thereto by means of resolutions adopted by majority vote, unless otherwise~~
49 ~~required by the Broward County Charter, the Broward County Code of Ordinances, the~~
50 Administrative Code, or applicable law. ~~The code, as originally prepared and submitted~~
51 ~~by the administrator, shall be considered adopted when approved pursuant to section 1-~~
52 ~~179 hereof, or upon the expiration of the three-month period, whichever shall occur first,~~
53 ~~and shall remain in force and effect until such time as it may be amended pursuant to~~
54 ~~section 1-176 hereunder.~~

55 (b) ~~The interim administrative code, all administrative procedures, executive~~
56 ~~orders of a general and permanent nature and all resolutions and policy statements of the~~
57 ~~board of county commissioners relating to the operation or administration of any~~
58 ~~personnel, department, board, agency or division of county government under the control~~
59 ~~or supervision of the county administrator in effect on or before August 31, 1976, and not~~
60 ~~continued in the administrative code, or recognized and continued in force by reference~~
61 ~~therein, are hereby repealed from and after the date of adoption of said code. No~~
62 ~~administrative procedure, internal control or procedural manual, executive order or~~
63 ~~resolution or policy statement of the board approved and adopted after August 31, 1976,~~
64 ~~is repealed hereby.~~

Sec. 1-173. Internal control or procedural manuals policies and procedures.

(a) The ~~e~~County ~~a~~Administrator and ~~commission auditor~~ shall concurrently have, ~~in addition to and cumulative to all other powers and authority granted to said offices by the Charter, Code of Ordinances, and administrative code,~~ the right, power, and authority to promulgate and establish manuals policies and procedures ("County Administrative Policies and Procedures" or "CAPP") governing the internal controls and procedures for each department, and division, section, and office of ~~e~~County government which that is under the supervision and control of the ~~e~~County ~~a~~Administrator.

(b) The ~~county administrator and commission auditor~~ shall, pursuant to the power granted hereunder, promulgate an internal control or procedural manual for each department and division of county government which is under the supervision and control of the ~~county administrator~~ which County Administrative Policies and Procedures shall establish and govern, within the limits prescribed by the Charter, Code of Ordinances, and ~~a~~Administrative ~~e~~Code, the following:

(1) Procedures and controls for the handling of all funds and property administered by the various departments, ~~boards, agencies, and divisions,~~ sections, and offices of ~~e~~County government;

(2) Procedures and controls providing for the accountability of all ~~e~~County assets; and

(3) Any other rules, regulations, procedures, and controls necessary to the efficient and economic administration of ~~e~~County government.

(c) ~~All manuals,~~ The County Administrative Policies and Procedures and any and all additions or amendments thereto, ~~prepared hereunder,~~ shall be signed and dated

88 effective upon written approval by the eCounty aAdministrator and ~~commission auditor~~
89 ~~respectively, individually and collectively indexed, sequentially identified and dated, and~~
90 ~~annexed to the Broward County Administrative Code~~ maintained by the County recording
91 clerk.

92 **Sec. 1-174. Administrative orders.**

93 (a) The eCounty aAdministrator, as chief administrative officer of the eCounty,
94 shall have the right, power, and authority to issue such administrative orders as the
95 County aAdministrator may deem necessary in order to give effect to and carry out the
96 responsibilities and duties delegated to the eCounty aAdministrator by the Charter, Code
97 of Ordinances, and aAdministrative eCode.

98 (b) All proposed administrative orders ~~issued~~ shall be furnished to the
99 ~~commission~~ County aAuditor and the County Attorney for review and, ~~upon receipt of an~~
100 ~~administrative order which is violative of the Charter, Code of Ordinances, or~~
101 ~~administrative code, the auditor may send written objections thereto to the county~~
102 ~~administrator and the chairman of the board of county commissioners, whereupon the~~
103 ~~board of county commissioners may meet to pass on the validity of the administrative~~
104 ~~order and any objections thereto~~ prior to issuance. If any administrative order is contested
105 by the County Auditor or the County Attorney, the matter shall be returned to the County
106 Administrator for resolution. If resolution cannot be reached, the matter shall be presented
107 to the Board for its consideration prior to issuance by the County Administrator. Any
108 ~~decision of the commission~~ Board shall be final as to the validity or invalidity, in whole or
109 in part, of any contested order.

(c) All administrative orders promulgated hereunder shall be sequentially identified by year and shall, when issued, be signed and dated by the eCounty Administrator, ~~be indexed, sequentially identified and annexed to the Broward County Administrative Code.~~

Sec. 1-175. Resolutions and policy statements.

(a) Any and all resolutions of adopted by the bBoard of county commissioners relating to the operation or administration of any personnel, department, board, agency or division of county government under the control or supervision of the county administrator enacted after August 31, 1976, shall be enrolled recorded in the official minutes of the ~~commission and a duplicate original shall be collectively indexed, sequentially identified, dated, and filed in and made a part of the Broward County Board.~~ Resolutions amending the Administrative Code and shall, when applicable practicable, be interlineated with the existing text of said code.

(b) Any and all policy statements in the form of motions, orders, or directives relating to the operation or administration of any personnel, department, board, agency, or division of eCounty government, that are enacted, adopted, or passed by the bBoard of county commissioners shall be reduced to writing, enrolled recorded in the official minutes of the ~~commission~~, Board and ~~a duplicate original copy shall be dated and attested by the county recording clerk, indexed, sequentially identified, and filed in and made a part of the Broward County Administrative Code and, when applicable, interlineated with the existing text of said code~~ maintained by the County recording clerk.

~~(c) All resolutions or policy statements adopted by the board of county commissioners and filed hereunder subsequent to the adoption of the Broward County~~

~~Administrative Code, or any addition or amendment thereto shall, to the extent of any conflict therewith, supersede and amend said code to the extent of such conflict.~~

Sec. 1-176. Additions or amendments to the Administrative eCode.

(a) Any and all additions or amendments to the ~~Broward County~~ Administrative Code shall be adopted by the Board by resolution, with the new or amended text interlineated with the existing text to the extent practicable. Any such additions or amendments to the Administrative Code, when approved and adopted pursuant to the procedures outlined hereunder, ~~or in such form as to indicate the intention of the board of county commissioners to make the same a part thereof,~~ shall be deemed to be incorporated into said code so that the Administrative Code. Any reference to the "Broward County Administrative Code" shall be understood and intended to include all such additions and amendments. The Administrative Code as so updated shall be maintained and made available to the public.

(b) ~~All administrative orders and internal control or procedural manuals and all additions and amendments thereto shall, when issued or adopted, be deemed to be annexed to the Broward County Administrative Code so that reference to the "Broward County Administrative Code" shall be understood and intended to include all such annexations thereto.~~

Sec. 1-177. Filed Copies of the Administrative eCode.

At least one (1) copy of the ~~Broward County~~ Administrative Code, ~~as approved and adopted hereunder~~ including as amended from time to time, shall be kept on file in the office of the ~~eCounty a~~Administrator without change. It shall also be the duty of the county administrator to maintain at least one (1) additional copy of said code up to date by

~~inserting all new additions and amendments thereto into their proper places at such time as the new additions and amendments are approved and adopted by the board of county commissioners for insertion into said code and shall also annex thereto, in proper sequential order, all executive orders and internal procedural manuals approved and issued by the county administrator.~~ The County Administrator shall also ensure that a copy of the Administrative Code, including as amended from time to time, is accessible from the County's website.

Section 2. Sections 1-178 and 1-179 of the Broward County Code of Ordinances are hereby repealed in their entirety.

Section 3. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 4. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary to accomplish such intention.

178 Section 5. Effective Date.

179 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Amanda M. Tolbert 02/07/2024
Amanda M. Tolbert (date)
Assistant County Attorney

By: /s/ René D. Harrod 02/07/2024
René D. Harrod (date)
Chief Deputy County Attorney

AMT/tb
Administrative Code Ordinance
02/07/2024
#610914.16

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.