

STORAGE NAME: H1559.ca
DATE: March 25, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1559
RELATING TO: Broward County
SPONSOR(S): Representative Wasserman Schultz
COMPANION BILL(S): SB 1518 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS
 - (2) ELECTION REFORM
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill revises the Charter of Broward County. The bill provides for the office of Mayor of Broward County. The bill provides for the mayor's election, qualifications, duties, responsibilities, and powers. The bill provides for duties of certain county officers. The bill provides for alteration of the composition of the County Commission and for the election, duties, responsibilities, and powers of the commissioners. The bill provides for a referendum.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Background on Broward County: On November 5, 1974, the voters of Broward County approved the Broward County Charter. Charter Government went into effect in Broward County on January 1, 1975.

The Charter brought home rule to Broward County, which had become a County by an act of the State Legislature in 1915. For the next 60 years, the County Commission had to look to the State Legislature for approval of local bills effecting change in County government.

On October 3, 1973, the County Commission voted unanimously to conduct a comprehensive study of County government as provided for in the 1968 Florida Constitution. A 15-member Charter Commission worked for nine months, producing the Charter document which was approved by referendum on November 5, 1974, by a vote of 77,889 to 59,898.

In addition to bringing home rule to Broward County, the Charter expanded the County Commission from five to seven members, created a strong administrator form of County government, and established a Countywide land use planning agency.

The Charter also created a Charter Review Commission to study all phases of County government and propose changes in the Charter. Changes may also be proposed by the County Commission and by initiative of the people. Voters must approve all changes.

Broward County Charter:

ARTICLE I

SECTION 1.07 - DIVISION OF POWERS

The Charter provides for the separation of the legislative and administrative functions of the county government. The charter provides that the establishment and adoption of policy is the responsibility of the Legislative Branch and that the execution of the policy is the responsibility of the Administrative Branch.

ARTICLE II

SECTION 2.01 - COMPOSITION TERMS

Subsection A.: The legislative power of the County is vested in the Broward County Commission (Commission). As of the effective date of the Charter, the Commission is composed of seven (7) members elected Countywide. There were seven (7) Commission Districts comprising the five (5) districts in effect on the effective date of the Charter and two (2) districts representing the County-at-large. The Commission divided the County into seven (7) districts of contiguous territory. The seven (7) Commissioners are electors of the County and must be residents of the particular district for which seat they seek election for six (6) months prior to the date on which they qualify for election.

Subsection B.: County Commissioners are elected on a partisan basis for staggered terms of four (4) years. The terms of office begin on the Tuesday, two (2) weeks following the day of the general or special election.

Subsection C.: The Commissioners' salaries are determined and established in accordance with general law pertaining to compensation for Commissioners of non-charter counties. The Commissioners are not reimbursed for expenses other than those specifically approved by the Board of County Commissioners. Monies are only reimbursed when properly incurred on County business.

SECTION 2.03 - DUTIES OF THE OFFICERS AND ADMINISTRATOR

Subsection A.: The Commission must elect a Chairman or Chairwoman (Chair), from its number by a majority vote not earlier than the third Tuesday of each November and no later than the third Tuesday of each December of each calendar year. The Chair of the Commission serves as the chief officer of the legislative branch of County government and devotes such time as is necessary to perform the duties of the office. The Chair, in addition to the powers and duties provided elsewhere in this Charter, must have the specific powers and duties to:

- Serve as the presiding officer of the Commission.
- Present annually, at the time designated by the Commission, a "State of the County" message, setting forth programs and recommendations to the Commission.
- Serve as the official representative and ceremonial dignitary for the government of Broward County, with the prerogative to issue proclamations.
- Sign ordinances, resolutions and other legislative documents for the Commission.
- Call the Commission into regular and special session.
- Preside over the committee charged with reviewing the nominations for department heads by the County Administrator.

Subsection B.: The Commission must elect from among its members a Vice-Chairman or Vice-Chairwoman with all the rights, privileges and duties of the Chair in the absence of the Chair.

Subsection C.: All functioning duties now prescribed by the Constitution and Laws of Florida for the office of the Clerk of the Circuit Court or County Comptroller, which relate to their duties as the ex-officio Clerk of the Board of County Commissioners, are transferred to the County Administrator or designate. Under the supervision of the Commission, the County Administrator must:

- Give due notice of the time and place of Commission meetings to Commission members and to the public.
- Keep the official journal and minutes of Commission proceedings.
- Prescribe for the Commission any required publication of notices, ordinances or resolutions or Charter amendments.
- Maintain and make available for public inspection an indexed file containing copies of the Broward County Code, this Charter, every adopted ordinance, resolution, rule, regulation, and code of regulations, and every adopted amendment or notification of any of the foregoing.
- Perform such other duties as the Commission may prescribe.

SECTION 2.04 - MEETINGS, RULES AND VOTING

Subsection A.: The County Commission must meet regularly at such times and places as the Commission may prescribe by rule. Special meetings may be held on the call of the Chair or of four (4) or more members upon no less than twelve (12) hours effective notice to each member, except in the event of an emergency.

Subsection B.: The Commission determines its own rules and order of business.

Subsection C.: Voting on motions are required, and the vote of each Commissioner is recorded in the journal. No less than a majority of the members of the Commission constitutes a quorum.

Subsection D.: The Commission, at its organizational meeting, elects its officers by a majority vote to serve for a period of one (1) year. The officers may serve consecutive terms.

ARTICLE III

SECTION 3.01- ESTABLISHMENT OF ADMINISTRATIVE BRANCH AND COMPOSITION

The administrative branch has jurisdiction over all operations of the County government not assigned to the legislative branch. The administrative branch is composed of the following:

- County Administrator (Administrator).
- The officers and employees of the administrative officers established by this Charter or created by the Commission
- The officers and employees of the executive departments established by this Charter or created by the Commission.
- The administrative officers and employees of Boards and Commissions, except as otherwise provided for in this Charter.

SECTION 3.02 - QUALIFICATIONS, ABSENCES, DISABILITIES AND REMOVAL OF THE COUNTY ADMINISTRATOR

The Commission appoints the County Administrator by a vote of one (1) more than that which would constitute a majority vote of the full commission. The Commission can dismiss the County Administrator by a majority vote of the full commission. The Administrator is the head of the administrative branch and serves at the will of the Commission.

Subsection A.: The Administrator is chosen on the basis of qualifications required by a job description which was prepared by the Commission.

Subsection B.: By a letter filed with the Commission, the Administrator may designate a qualified County Administrative Officer or County employee to exercise the powers and perform the duties of the Administrator during the Administrator's temporary absence or disability. If the Administrator fails to make such a designation, or if there is a vacancy in the office of Administrator, the Commission must designate, by resolution, a qualified County Administrative Officer or County employee to perform the duties of the Administrator during absence, disability or suspension, or during the vacancy in the office of Administrator.

SECTION 3.03 - POWERS, FUNCTIONS AND DUTIES OF THE COUNTY ADMINISTRATOR, as amended by referendum on November 4, 1980.

Subsection A.: The Administrator is the chief administrative officer of the County. The Administrator is responsible to the Commission for the proper administration of all County affairs placed in the Administrator's charge. The Administrator directs and supervises the administration and functions of the County along with its departments, divisions, offices, and agencies. The Administrator does not direct and supervise when prohibited by the Constitution and Laws of Florida and when such functions are specifically assigned by this Charter to any department, division, office or agency whose head is not appointed by the Administrator.

Subsection B.: Except as otherwise provided by the Constitution and Laws of Florida, or by this Charter, the Administrator appoints and, when deemed necessary for the good of the County, suspends and removes County employees. The Administrator may authorize any appointive County department head to appoint, suspend or remove subordinates in that officer's department, division, office or agency. The Administrator has the power to nominate all administrative department heads of the County government. The nominations must be approved by a majority vote of the Commission. The right to suspend, remove or discharge any department head is reserved to the Administrator.

Subsection C.: The Administrator sees that all ordinances, resolutions and orders of the Commission and all laws of the State, subject to enforcement by the Administrator, or by officers subject to the Administrator's direction and supervision, are faithfully executed.

Subsection D.: The Administrator prepares and submits the annual budget and capital program to the Commission. The Administrator executes the budget and the capital program in accordance with appropriations and ordinances adopted by the Commission.

Subsection E.: The Administrator must regularly examine the accounts, records and operations of every County department, division, office or agency. The Administrator must make regular monthly reports to the Commission on County affairs. The Administrator must keep the Commission fully advised on the financial condition and future needs of the County. The Administrator makes recommendations on County affairs as deemed desirable by the Administrator.

Subsection F.: The Administrator submits to the Commission at the end of the fiscal year a complete report on the finances and administrative activities of the County for the preceding year. The Administrator prepares and makes available for distribution to the public, within three (3) months after the end of each fiscal year, the annual report on County affairs during that fiscal year.

Subsection G.: The Administrator carries into execution other powers or duties as are required by the Charter or that may be prescribed by the commission.

Subsection H.: The Administrator coordinates all funding programs of all other governmental units with the County government.

Subsection I.: The Administrator signs all administrative or ministerial documents on behalf of the Commission including, but not limited to, contracts, grant applications, satisfactions, and releases, when not inconsistent with the laws of the State of Florida.

[Note: This section was amended by referendum on November 4, 1980.]

ARTICLE IV

SECTION 4.01 - GENERAL PROVISIONS

[Note: Article IV was amended by referendum on November 8, 1988.]

The citizens of Broward County expect certain services to be provided to them by departments, divisions, offices and agencies of County government.

Subsection A.: The activities under the direction and supervision of the Administrator are distributed in an administrative organization which efficiently and effectively provide, in the manner prescribed by the Administrative Code:

- General Government Services;
- Public Safety Services;
- Physical Environmental Services;
- Transportation Services;
- Human Services;
- Cultural and Recreation Services;
- Economic Environmental Services; and
- Other such services as prescribed by the Commission.

Subsection B.: The activities under the direction and supervision of the Administrator must be distributed among such departments, divisions, offices and agencies established by the Charter or may be established or abolished by Administrative Code.

Subsection C.: Except as otherwise provided in this Charter, or in the Administrative Code, each department, division, office or agency administered by an officer appointed by and subject to the Charter is under the direction and supervision of the Administrator. Unless otherwise prohibited by this Charter, or by the Administrative Code, the Administrator may serve as the head of one (1) or more such departments, divisions, offices or agencies and may appoint one (1) person as the head of two (2) or more such departments, divisions, offices or agencies.

SECTION 4.02 - DEPARTMENT OF FINANCE AND ADMINISTRATIVE SERVICES

Subsection A.: The Department of Finance and Administrative Services is responsible for the administration of all financial affairs of County government.

Subsection B.: The Office of Tax Collector is abolished. All functions and duties of the former Office of Tax Collector are transferred to the Department of Finance and Administrative Services.

Subsection C.: All fiscal functions and duties now required by the Constitution and Laws of Florida for the office of Clerk of the Circuit Court and County Comptroller, related to their duties as the custodian of all County funds, auditor and recordation of public documents are transferred to the Department of Finance and Administrative Services. The Office of County Comptroller is abolished.

Subsection D.: The Department of Finance and Administrative Services is responsible for the following:

- Assists the appropriate officer or officers of Charter Government in the preparation and execution of the County budget and capital program.
- Submit to the appropriate officer or officers of Charter Government through the Administrator at the end of each fiscal year a written report of the financial transactions of that year and a complete statement of the financial condition of the County at the end of the year.
- Perform such other duties as may be prescribed by the Administrative Code.

SECTION 4.03 - OFFICE OF THE COUNTY ATTORNEY

The Office of the County Attorney is chief legal counsel to the County. The County Attorney directs and supervises that office. The County Attorney is appointed by and serves at the pleasure of the Commission. The County Attorney may appoint attorney assistants. The County Attorney may appoint special counsel, as may be required, upon approval of the Commission, who will represent the County government, including the following:

- The Commission;
- The Administrator;
- The department heads;
- The County officers;
- All other departments and divisions of County government; and
- All Adjustment, Regulatory and Advisory Boards

In all legal matters affecting the County government. Upon request, they will represent all Constitutional Officers serving Broward County. The County Attorney and all assistant attorneys must be licensed to practice law in the State of Florida.

SECTION 4.04 - CENTRAL SERVICES

There must be contained within the Administrative Code of Broward County the operational components related to the following functions:

- Personnel;
- Purchasing;
- Data Processing;
- Vehicle Operations and Maintenance;
- Records;
- Building and Maintenance; and
- All other functions as determined by the Board of County Commissioners.

These components are provided to all departments, divisions, offices, and agencies of County government. All departments, divisions, offices, and agencies are required to use these services. In an effort to improve the cost effectiveness of County government, all such services shall also be available to the Constitutional Officers who are not required by law to use them but who may find benefits for doing so. In addition, the advantages and provision of such functions, individually or in tandem, with the Constitutional Officers should be explored and utilized when appropriate. The extension of those functions to municipalities and the benefits of coordination and standardization in the sharing of these resources should likewise be explored and utilized when appropriate. Whenever possible, interlocal agreements between County government and municipalities should be encouraged so as to enhance the quality of life to the citizens of Broward County.

SECTION 4.05 - TRANSPORTATION SERVICES

Within the organization of the Administration, is the Office of Transportation or a Department of Transportation.

SECTION 4.06 - OFFICE OF COMMISSION AUDITOR

The Commission appoints an auditor who is a Certified Public Accountant. At the time of the appointment, the auditor must have and maintain an active license, must be certified under the Public Accountancy Law in Florida, and must have sufficient experience in governmental accounting and auditing practices.

The auditor is responsible for the maintenance of internal controls and for the performance of such other duties assigned by the Commission. To the degree necessary to fulfill the responsibilities of the office, the auditor has the power and authority to:

Subsection A.: The auditor conducts financial and compliance, economy and efficiency, and performance audits of Charter government and officials with written reports submitted to both the Commission and the Administrator.

Subsection B.: The auditor has free and unrestricted access to Charter government employees, officials, records, and reports; and where appropriate, can require all branches, departments, and officials of Charter government to provide oral and written reports and to produce documents, files, and other records.

SECTION 4.07 - BOARDS

[Note: Section 4.07 was amended by referendum on November 5, 1996.]

- The Commission may create by ordinance, specifying the duties, appointment, and membership of adjustment, regulatory and advisory boards, development authorities, redevelopment authorities and agencies. Members of these boards serve without compensation except for necessary expenses approved by the Commission. All boards are part of the County government and must utilize the central services of the County and the Office of the County Attorney.
- Where not inconsistent with law, the Commission abolished all boards, authorities, and agencies, except for boards, authorities, and agencies the Commission finds, by resolution, is needed to serve the public interest and that the cost of its existence to the citizens and taxpayers is justified.
- The Commission must adopt procedures in order to ensure that reviews are conducted in an orderly manner. The procedures may provide for staggering or other phasing of board/agency reviews. The procedures must also provide for the periodic review of all boards, authorities and agencies in existence subsequent to the December, 1998, sunset date. The reviews must not

exceed four (4) year intervals for each entity. The sunset provision does not apply to any board, authority or agency created by the charter.

SECTION 4.08 - ADMINISTRATIVE CODE

Subsection A.: The Administrator prepares an Administrative Code which sets forth the departmental organization of the government. The Administrative Code will set the nature and scope of each department together and all the required rules and procedures for the operation of the departments and a comprehensive budget procedure. The County Commission reviews and adopts, with or without amendment, the Administrative Code. The Administration may, from time to time, submit any changes in any or all department organizations, including combinations, deletions and creations of departments or divisions and transfer of responsibility between departments and divisions to the Commission for review, amendment and/or adoption.

[Note: On August 17, 1998, was authorized by Section 4.08 A of the Charter of Broward County, Florida, the County Commission adopted a resolution amending the Administrative Code to provide for the reorganization of County departments to be effective October 1, 1982.]

Subsection B.: The Administrative Code includes the rules and regulations for a personnel system which include a salary schedule, provisions for vacations, sick leaves, insurance benefits and other benefits for all persons in accordance with the provisions of this Charter. The Administrative Code includes a procedure whereby an employee has an opportunity to be heard upon his request pending discharge, suspension or any designated disciplinary action, and provide for such other duties as are necessary for an efficient personnel system consistent with state and federal law.

B. EFFECT OF PROPOSED CHANGES:

N/A

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

N/A

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends Section 1. Section 1.07 of Article I of the Charter of Broward County, amending, as follows:

- Section 1.07 DIVISION OF POWERS: Establishing the separation between the legislative and executive functions of the county government, as follows:
 - All powers and duties of the government, which are legislative or quasi-judicial in nature must be exercised and performed by the County Commission, except as delegated by ordinance.
 - All powers and duties that are executive or administrative in nature must be exercised or performed by the Mayor or such other executive or administrative officer or employee as the Mayor designates, except as otherwise specifically provided for in the Charter.

Section 2: Section 2.01 of Article II of the Charter of Broward County, amending, as follows:

- Section 2.01 COMPOSITION, TERMS, QUALIFICATIONS AND COMPENSATION OF MEMBERS:

- Requires the legislative power of the County be vested in the Broward County Commission (Commission).
- Requires, before the general election of 2002, the Commission be composed of seven members.
- Requires the seven (7) Commissioners to be electors of the County and to be residents of the particular district for which seat they seek at the time of their election.
- Requires, beginning after the presidential preference primary, in 2000, that only qualified electors residing within each individual district may vote for the commissioner representing that district.
- Requires, beginning with the general election of 2002, the Commission to be composed of nine members elected from single-member districts.
 - ◆ Requires subsequent to the decennial census of 2000, but before the qualification period for the general election of 2002, the Commission to divide the county into nine single-member districts of contiguous territory as nearly equal in population as practicable.
 - ◆ Requires this procedure be repeated subsequent to each decennial census.
 - ◆ Requires the division of the county into nine single-member districts, with consideration to be given to minority representation on the County Commission of Broward County.
 - ◆ Requires Commissioners in office, who are removed from their district as a result of redistricting in 2002 or after a subsequent decennial census, may serve out the balance of their terms.
- Requires, before the qualification period for the general election of 2002, each of the Commission districts to be assigned a number.
- Requires Commissioners holding office in districts 1, 3, 5, and 7, as denominated before the redistricting, fill district seats 1, 3, 5, and 7 for the remaining 2 years of their 4-year elected terms.
- Requires Commissioners from districts 2, 4, 6, 8, and 9, to be elected in the general election of 2002 from districts as redrawn for terms of 4 years.
- Allows only qualified electors residing within each individual district to vote for the Commissioner representing that district.
- Requires each Commissioner to be an elector of the county and a resident of the particular district for which he or she seeks election.
- Requires each Commissioner to be a resident of the district 6 months before the date on which he or she qualifies for election, except as provided for in this section.
- Requires Commissioners to be elected on a partisan basis for staggered terms of 4 four years.
- Requires terms of office to begin on the Tuesday two weeks following the day of the general or special election.
- Requires, that except as provided in this section, the election of Commissioners to be as provided for by law.
- Requires Commissioners' salaries to be determined and established in accordance with the general law pertaining to compensations for Commissioners of non-charter counties.

- Requires Commissioners not to be reimbursed for expenses other than those specifically approved by the Board of County Commissioners.
- Requires money to be reimbursed only when properly incurred on County business.
- Deletes the requirement that members are to be elected countywide.

Section 3: Amends sections 2.03 and 2.04 of Article II of the Charter of Broward County, and section 2.06 is added to that article, as follows:

- Amends section 2.03, requires the Commission to elect a Chairman or Chairwoman (Chair), from its number by a majority vote not earlier than the third Tuesday of each November and no later than the third Tuesday of each December of each calendar year.
 - Requires the Chair to have the specific powers and duties to serve as the presiding officer at all Commission meetings.
 - Requires the Chair to appoint the members of all standing committees of the Commission and the chairperson and vice chairperson of each committee.
 - Requires as many standing and special committees as deemed necessary by the Chair.
 - Requires the Commission to elect from among its members a Vice Chairman or Vice Chairwoman with all the rights, privileges, and duties of the Chair in the absence of the Chair.
- Amends section 2.04, requiring the County Commission to meet regularly at such times and places as the Commission prescribes by rule.
 - Requires special meetings to be held on the call of the Mayor, the Chair, or a majority of four or more of members of the Commission upon no less than 12 twelve hours effective notice to each member, except in the event of an emergency.
 - Requires the Commission to determine its own rules and order of business.
 - Requires the voting on motions.
 - Requires the vote of each Commissioner to be recorded in the journal.
 - Requires that a quorum consists of no less than a majority of the members of the Commission.
 - Adds the requirement that the Commission may take official action only through the adoption of ordinances or resolutions, except for matters for its own internal procedures or regarding investigations that it conducts.
 - Requires the Commission, at its organizational meeting, to elect its officers by a majority vote to serve for a period of 1 one year.
 - Allows officers to serve consecutive terms.
- Creates section 2.06, requiring, as follows:
 - Requires, except for the purpose of enactment of ordinances and resolutions or inquiries, and investigations, or as otherwise provided, the Commission or its members must deal with officers and employees who are subject to the direction or supervision of the Mayor solely through the Mayor.
 - Prohibits the Commission or its members from giving orders to any such officer or employee, either publicly or privately.

- Prohibits anything in this section from being construed to prohibit individual members of the Commission from closely scrutinizing, by questions and personal observation, all aspects of county government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the Commission.
- Provides that it is the express intent of this section that such inquiry not interfere directly with executive or administrative operations of the County. Provides that the recommendations for change or improvement in County executive or administrative operations are to be made to and through the Mayor.

Section 4: Amends Article III of the Charter of Broward County, as follows

- Renames Article III, as the EXECUTIVE BRANCH: MAYOR, COUNTY ADMINISTRATOR.
- Amends section 3.01, as follows:
 - Renames section 3.01, as the ESTABLISHMENT OF EXECUTIVE BRANCH: COMPOSITION.
 - Replaces the term “administrative” with “executive” throughout the section.
 - Provides for the Election of Mayor, as follows:
 - ◆ Commencing with the 2000 general election the office of Mayor of Broward County must be filled, on a partisan basis, for a term of 4 years.
 - ◆ The term begins on the Tuesday 2 weeks following the day of the general election.
 - ◆ The election must be conducted in the same manner as that for County Commissioner, except that the Mayor may reside anywhere within Broward County and must be elected countywide.
 - ◆ The Mayor must be a qualified elector residing within Broward County for at least 3 years before qualifying.
 - ◆ The Mayor does not serve as a member of the Commission.
 - ◆ The Mayor must be recognized and functions as the head of County government and must devote such time as is necessary to perform the duties of the office.
 - ◆ The Mayor has the following specific powers and responsibilities:
 - The Mayor is the chief executive officer of the County.
 - The Mayor has such executive and administrative powers, duties, and functions, as are provided in the Charter.
 - The Mayor has, within 10 days after final adoption of the Commission, veto authority over ordinances or resolutions or any legislative, quasi-judicial, zoning, comprehensive-plan, or land-use decision of the Commission, including the budget or any particular component contained therein.
 - The Mayor has no veto over redistricting as provided for in this Charter.
 - ◆ Provides that when an revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed.
 - ◆ Provides that the Commission may, at its next regularly scheduled meeting after the veto occurs, override the veto by a two-thirds vote of the Commissioners present.
 - ◆ Provides that the Mayor appoints the County Administrator.

- ◆ Provides that the Commission has 10 days within which to override the appointment of the County Administrator made by the Mayor by a two-thirds vote of the Commissioners in office.
- ◆ Provides that the Commission, by a two-thirds vote of those Commissioners then in office, may remove the County Administrator without action of the Mayor.
- ◆ Provides that the salary and expenses of the Mayor are to be determined and established in the same manner as the Commissioners, as provided for in this Charter, except that the salary of the Mayor must be 150 percent of the salary for a commissioner.
- ◆ Provides that the Mayor has administrative and secretarial staff as are deemed reasonably necessary to serve the Mayor in the performance of his duties and such administrative and secretarial staff serve at the pleasure of the Mayor.
- ◆ Provides that the Mayor prepares and submits the annual budget and capital program to the Commission, executes the budget and capital program, in accordance with appropriations and ordinances adopted by the Commission, and carries into execution such other powers or duties as are required by the Charter.
- ◆ Provides that the Mayor or the Mayor's designee sign all administrative or ministerial documents on behalf of the County, including, but not limited to, contracts, grant applications, satisfactions, and releases when such signature is not inconsistent with the laws of this state.
- ◆ Provides that the Mayor has, in addition, the following powers and duties:
 - To present annually, at a time designated by the Commission, a "State of the County" message, stating programs and recommendations.
 - To serve as the official representative and ceremonial dignitary for the government of Broward County, with the prerogative to issue proclamations.
 - To sign ordinances, resolutions, and other legislative documents.
 - All functioning duties now prescribed by the Constitution and laws of this state for the office of the Clerk of the Circuit Court or County Comptroller which relate to their duties as the ex officio Clerk of the Board of County Commissioners are transformed to the Mayor or his or her designee.
- ◆ Provides that under the supervision of the Major, the County Administrator must:
 - Give due notice of the time and place of Commission meetings to Commission members and to the public.
 - Keep the official journal and minutes of Commission proceedings.
 - Prescribe for the Commission any required publication of notices, ordinances, resolutions, or Charter amendments.
 - Maintain and make available for public inspection an indexed file containing copies of the Broward County Code; this Charter; every adopted ordinance, resolution, rule, regulation, and code of regulations; and every adopted amendment or notification of any of the foregoing.
- Amends section 3.03, as follows:
 - Provides for the absence, incapacity, and/or vacancy of the Mayor, as follows:
 - ◆ Provides during any absence of the Mayor from Broward County, the Chair of the County Commission shall automatically serve as acting Mayor, with emergency powers

to act only when the people's interest requires and with such additional powers as the Mayor designates.

- ◆ Provides that if the Mayor becomes incapable of performing the duties of the office, or if the Mayor is suspended in the exercise of his office, and in either case as long as the incapacity or suspension lasts, the Chair of the County Commission automatically serves as Acting Mayor, with all powers of the office.
 - ◆ Provides that if there is a vacancy in the office of Mayor when there is less than 180 days remaining before the next regular countywide or general election, the County Commission must, by a majority vote of those Commissioners then in office, choose a successor to serve as Mayor until that election, at which a Mayor will be elected for the remainder of the unexpired term.
 - ◆ Provides that if no countywide or general election is scheduled within 180 days after the vacancy in the office of Mayor, the County Commission must first schedule a special election, including all necessary primary elections, to fill the unexpired term of the Mayor no sooner than 60 days, or more than 90 days, following the occurrence of the vacancy.
 - ◆ Provides that the special election be conducted in the same manner as the regular election for Mayor.
 - ◆ Provides that during the vacancy of the office of Mayor, the Chair of the County Commission serves as Acting Mayor, with all powers of the office.
- Amends section 3.04, as follows:
 - Requires the Administrator to be chosen on the basis of qualifications required by a job description to be submitted by the Mayor, filed with the Commission, within 30 days after the effective date of this Charter.
 - Provides that in the event of absences or disabilities, by a letter filed with the Commission, the Mayor must designate a qualified County Administrative Officer or County employee to exercise the powers and perform the duties of the Administrator during the Administrator's temporary absence or disability, subject to the limitations of this Charter.
 - Amends section 3.05, as follows:
 - Requires the County Administrator to be the chief operating officer of the County.
 - Requires the Administrator to be responsible to the Mayor for the proper administration of all County affairs placed in the Administrator's charge by the Mayor or by this Charter.
 - Requires the Administrator to direct and supervise the day-to-day administration and functions of the County or of its departments, divisions, offices, or agencies, under the supervision of the Mayor, except when prohibited by the Constitution and laws of this state and except when such functions are specifically assigned by this Charter to any department, division, office, or agency whose head is not appointed by the Administrator.
 - Requires that, except as otherwise provided by the Constitution and laws of this state or by this Charter, the Administrator to appoint and, when deemed necessary for the good of the County, to discipline and remove County employees.
 - Requires County department heads to be appointed, disciplined, and removed only with consent of the Mayor.
 - Requires the Administrator, with the consent of the Mayor, to authorize any appointive County department head and to appoint, suspend, or remove subordinates in that officer's department, division, office, or agency.

- Requires the Administrator, under the direction of the Mayor, to see that all ordinances, resolutions, and orders of the Mayor, and all laws of the state which are subject to enforcement by the Mayor, Administrator, or officers who are subject under this Charter to the Mayor's or Administrator's direction and supervision are faithfully executed.
- Requires the Administrator, at the direction of the Mayor, to regularly examine the accounts, records, and operations of every County department, division, office, or agency.
- Requires the Administrator to make regular monthly reports to the Mayor and Commission on County affairs, to keep the Mayor and Commission fully advised on the financial condition and future needs of the County, and to make recommendations on County affairs when assigned to do so by the Mayor.
- Requires the Administrator, at the direction of the Mayor, to submit to the Commission, at the end of the fiscal year, a complete report on the finances and administrative activities of the County for the preceding year, and to prepare and make available for distribution to the public, within 3 months after the end of each fiscal year, an annual report on County affairs during that fiscal year.
- Requires the Administrator, under the direction of the Mayor, to coordinate all funding programs of all other governmental units with the County government.
- Requires the Administrator to perform such other duties and have such other functions as the Mayor prescribes.
- Provides that neither the Mayor nor any Commissioner is eligible for the position of Administrator during, or within 2 years after the expiration of, their respective terms.

Section 5: Amends Article IV, amending as follows:

- Amends the title of Article IV, as EXECUTIVE DEPARTMENTS, DIVISIONS, OFFICES AND AGENCIES, and sections 4.01, 4.02, 4.03, 4.05, 4.06, and 4.08 of the Charter, as follows:
- Amends section 4.01, as follows:
 - Replaces the term "Administrator" with "Mayor."
 - Makes technical changes to the section to clarify that, except as otherwise provided in this Charter, or in the Administrative Code, each such department, division, office, or agency administered by an officer appointed by the County Administrator or under the Charter, is subject to the direction and supervision of the Mayor.
- Amends section 4.02, as follows:
 - Requires the Department of Finance and Administrative Services, to be responsible for all financial affairs of County government, is under the direction and supervision of the Mayor
 - Requires the Department of Finance and Administrative Services, to submit to the Mayor through the Administrator at the end of each fiscal year a written report of the financial transactions of that year and a complete statement of the financial condition of the County at the end of the year.
 - Requires the Department of Finance and Administrative Services to perform other duties as are prescribed by the Mayor.
- Amends section 4.03, as follows:
 - Require the County Attorney to be appointed and removed in the same manner as provided for in this Charter for the position of the County Administrator.
 - Permits the County Attorney to appoint special counsel as may be required upon approval of the Commission and Mayor.

- Permits the special counsel to represent the Mayor, the County government, the Commission, the County Administrator, and the department heads and County officers, all other departments and divisions of County government, and all Adjustment, Regulatory, and Advisory Boards in all legal matters affecting the County government.
- Permits, upon request, the special counsel to represent all Constitutional Officers serving Broward County.
- Requires the County Attorney and all assistant attorneys to be licensed to practice law in the State of Florida.
- Amends section 4.04, as follows:
 - Requires the Administrative Code to contain the operational components related to the following functions under the direction and supervision of the Mayor and County Administrator, as follows:
 - ◆ Personnel;
 - ◆ Purchasing;
 - ◆ Data Processing;
 - ◆ Vehicle Operations and Maintenance;
 - ◆ Records;
 - ◆ Building and Maintenance; and
 - ◆ All other functions as are determined by the Board of County Commissioners by ordinance or resolution.
 - Requires the components to be provided to all departments, divisions, offices, and agencies of County government.
 - Requires all departments, divisions, offices, and agencies hall to use the component services.
 - Requires all component services to be available to the Constitutional Officers who are not required by law to use them but who may find it cost effective to use the services.
 - Requires that in addition, the advantages and provision of such functions, individually or in tandem, with the Constitutional Officers to be explored and utilized when appropriate. The extension of the functions to municipalities and the benefits of coordination and standardization in the sharing of these resources to be likewise be explored and utilized when appropriate.
 - Requires, whenever possible, to encourage interlocal agreements between County government and municipalities to enhance the quality of life to the citizens of Broward County.
- Amends section 4.05, as follows:
 - Requires the responsibilities for County transportation services to be integrated and afforded a highly visible and prominent position within the organization of the Administration and to include an Office of Transportation or a Department of Transportation subject to the Mayor of Broward County.
- Amends section 4.06, as follows:
 - Provides for the Office of County Auditor.
 - Requires the Commission to appoint an auditor who is a Certified Public Accountant.
 - Requires, at the time of the appointment, the auditor to have and maintain an active license, to be certified under the Public Accountancy Law in Florida, and to have sufficient experience in governmental accounting and auditing practices.

- Requires the auditor to be responsible for the maintenance of internal controls and for the performance of such other duties assigned by the Commission.
- Requires the auditor, to the degree necessary to fulfill the responsibilities of the office, to have the power and authority to do the following:
 - ◆ To conduct financial and compliance, economy and efficiency, and performance audits of Charter government and officials with written reports submitted to the Mayor, the Commission, and the Administrator.
 - ◆ To have free and unrestricted access to Charter government employees, officials, records, and reports; and, where appropriate, require all branches, departments, and officials of Charter government to provide oral and written reports and to produce documents, files, and other records.
- Amends section 4.08, as follows:
 - Requires that the Administrator, under the direction of the Mayor, to prepare an Administrative Code that sets forth departmental organization of the government and the nature and scope of each department together with all required rules and procedures for the operation of the departments and a comprehensive budget procedure.
 - ◆ Requires the County Commission to review and adopt, with or without amendment, the Administrative Code.
 - ◆ Requires the Administrator, under the direction of the Mayor to submit any changes in any or all department organizations, including combinations, deletions, and creations of departments or divisions and transfer of responsibility between departments and divisions, to the Commission for review, amendment, and/or adoption.
 - ◆ Requires the Administrator, under the direction of the Mayor, to provide, at least annually, an organizational chart outlining the current structure of the County government.

Section 6: Provides, as follows:

- Creates the office of Mayor of Broward County effective November 21, 2000, to be filled by the electors of Broward County at the general election in 2000.
- Requires the Board of County Commissioners of Broward County to schedule an election in accordance with the provisions of law relating to elections currently in force in Broward County for the general election of 2000.
- Requires the subject of such election to be the election of Commissioners of Broward County, in accordance with this act, and the election of the Mayor of Broward County in accordance with Charter of Broward County, as amended.
- Requires that in this election, certain procedures prescribed in law may not be used.

Section 7: Provides effective dates, as follows:

- Provides that this section will take effect upon becoming a law.
- Provides that the act, except for this section, will take effect only if it is approved by a majority vote of those qualified electors of Broward County voting in a referendum to be held by the Broward of County Commissioners of Broward County on the date of the presidential preference primary in 2000, in accordance with the provisions of law relating to elections currently in force in Broward County.

STORAGE NAME: H1559.ca

DATE: March 25, 1999

PAGE 19

- Provides that, if this act is approved, it will take effect November 21, 2000, except that section 6 of this act will take effect on the approval of this act.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 31, 1999

WHERE? The Miami Herald, Miami-Dade, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? On the date of the presidential preference primary in 2000.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Tonya Sue Chavis, Esq.

Joan Highsmith-Smith