

1 A bill to be entitled
2 An act relating to Broward County; revising the
3 Charter of Broward County; providing for the
4 office of Mayor of Broward County; providing
5 for the mayor's election, qualifications,
6 duties, responsibilities, and powers; providing
7 duties of certain county officers; providing
8 for alteration of composition of County
9 Commission; providing for election, duties,
10 responsibilities, and powers of commissioners;
11 providing a ballot question; providing for a
12 referendum; providing effective dates.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 1.07 of Article I of the Charter of
17 Broward County is amended to read:

18 ARTICLE I

19 POWERS OF GOVERNMENT

20 Section 1.07 DIVISION OF POWERS

21 This Charter hereby establishes the separation between
22 the legislative and executive ~~administrative~~ functions of this
23 government; ~~the establishment and adoption of policy shall be~~
24 ~~the responsibility of the Legislative Branch and the execution~~
25 ~~of that policy shall be the responsibility of the~~
26 ~~Administrative Branch.~~ All powers and duties of the government
27 which are legislative or quasi-judicial in nature shall be
28 exercised and performed by the County Commission, except as
29 the County Commission delegates by ordinance. All powers and
30 duties that are executive or administrative in nature shall be
31 exercised or performed by the Mayor or such other executive or

1 administrative officer or employee as the Mayor shall
2 designate, except as otherwise specifically provided for in
3 this Charter.

4 Section 2. Section 2.01 of Article II of the Charter
5 of Broward County is amended to read:

6 ARTICLE II

7 LEGISLATIVE BRANCH: COUNTY COMMISSION

8 Section 2.01 COMPOSITION, TERMS, QUALIFICATIONS AND
9 COMPENSATION OF MEMBERS

10 A. The legislative power of the County shall be vested
11 in the Broward County Commission, hereinafter referred to as
12 the "Commission."

13 B. Before the general election of 2002, the Commission
14 shall be composed of seven(7)members elected countywide. The
15 Commission shall divide the County into seven (7) districts of
16 contiguous territory as nearly equal in population as
17 practical after each decennial census.~~The seven(7)~~
18 ~~Commissioners shall be electors of the County and must be~~
19 ~~residents of the particular district for which seat they seek~~
20 ~~election at the time of their election for six (6) months~~
21 ~~prior to the date on which they qualify for election.~~

22 Commencing subsequent to the presidential preference primary,
23 in 2000, only the qualified electors residing within each
24 individual district may vote for the commissioner representing
25 that district.~~Commissioners in office and who are removed~~
26 ~~from their district as a result of redistricting may serve out~~
27 ~~the balance of their term.~~

28 C. Commencing with the general election of 2002, the
29 Commission shall be composed of nine members elected from
30 single-member districts.

31

1 (1) Subsequent to the decennial census of 2000, but
2 before the qualification period for the general election of
3 2002, the Commission shall divide the county into nine
4 single-member districts of contiguous territory as nearly
5 equal in population as practicable. This procedure shall be
6 repeated subsequent to each decennial census. In the division
7 of the county into nine single-member districts, consideration
8 shall be given to minority representation on the County
9 Commission of Broward County. Commissioners in office who are
10 removed from their district as a result of redistricting in
11 2002 or after a subsequent decennial census may serve out the
12 balance of their terms.

13 (2) Before the qualification period for the general
14 election of 2002, each of the Commission districts shall be
15 assigned a number.

16 (3) Commissioners holding office in districts 1, 3, 5,
17 and 7 as denominated before the redistricting above provided
18 shall fill district seats 1, 3, 5, and 7 created in this
19 section for the remaining 2 years of their 4-year elected
20 terms.

21 (4) County Commissioners from districts 2, 4, 6, 8,
22 and 9 shall be elected in the general election of 2002 from
23 districts as redrawn for terms of 4 years.

24 (5) Only the qualified electors residing within each
25 individual district may vote for the Commissioner representing
26 that district. Each Commissioner must be an elector of the
27 county and must be a resident of the particular district for
28 which he or she seeks election. A Commissioner must be a
29 resident of the district 6 months before the date on which he
30 or she qualifies for election, except as provided for in this
31 section.

1 D.B. ~~The County Commission Commissioners~~ shall be
2 elected on a partisan basis for staggered terms of 4 ~~four (4)~~
3 years. The terms of office shall begin on the Tuesday 2 ~~two~~
4 ~~(2)~~ weeks following the day of the general or special
5 election.

6 E. Except as provided in this section, election of
7 County Commissioners shall be as provided for by law.

8 F. ~~The Commissioners'~~ salaries shall be determined
9 and established in accordance with general law pertaining to
10 compensations for Commissioners of non-charter counties. The
11 Commissioners shall not be reimbursed for expenses other than
12 those specifically approved by the Board of County
13 Commissioners. Moneys ~~Monies~~ will only be reimbursed when
14 properly incurred on County business.

15 Section 3. Sections 2.03 and 2.04 of Article II of the
16 Charter of Broward County are amended, and section 2.06 is
17 added to that article, to read:

18 ARTICLE II

19 LEGISLATIVE BRANCH: COUNTY COMMISSION

20 Section 2.03 CHAIR, DUTIES OF THE OFFICERS AND
21 ADMINISTRATORS

22 A. The Commission shall elect a Chairman or
23 Chairwoman, hereinafter referred to as "Chair," from its
24 number by a majority vote not earlier than the third Tuesday
25 of each November and no later than the third Tuesday of each
26 December of each calendar year. ~~The Chair of the Commission~~
27 ~~shall serve as the chief officer of the legislative branch of~~
28 ~~County government and shall devote such time as is necessary~~
29 ~~to perform the duties of the office. The Chair, in addition to~~
30 ~~the powers and duties provided elsewhere in this Charter,~~
31 shall have the specific powers and duties to

1 ~~(1)~~serve as the presiding officer at all Commission
2 meetings of the Commission. The Chair shall appoint the
3 members of all standing committees of the Commission and the
4 chairperson and vice chairperson of each committee. There
5 shall be as many standing and special committees as deemed
6 necessary by the Chair.

7 ~~(2) Present annually, at the time designated by the~~
8 ~~Commission, a "State of the County" message, setting forth~~
9 ~~programs and recommendations to the Commission.~~

10 ~~(3) Serve as the official representative and~~
11 ~~ceremonial dignitary for the government of Broward County,~~
12 ~~with the prerogative to issue proclamations.~~

13 ~~(4) Sign ordinances, resolutions and other legislative~~
14 ~~documents for the Commission.~~

15 ~~(5) Call the Commission into regular and special~~
16 ~~session.~~

17 ~~(6) Preside over the committee charged with reviewing~~
18 ~~the nominations for department heads by the County~~
19 ~~Administrator, as provided in Article III.~~

20 B. The Commission shall elect from among its members a
21 Vice Chairman ~~Vice-Chairman~~ or Vice Chairwoman ~~Vice-Chairwoman~~
22 with all the rights, privileges, and duties of the Chair in
23 the absence of the Chair.

24 ~~C. All functioning duties now prescribed by the~~
25 ~~Constitution and Laws of Florida for the office of the Clerk~~
26 ~~of the Circuit Court or County Comptroller, which relate to~~
27 ~~their duties as the ex-officio Clerk of the Board of County~~
28 ~~Commissioners, are hereby transferred to the County~~
29 ~~Administrator or designate. Under the supervision of the~~
30 ~~Commission, the County Administrator shall:~~

31

1 ~~(1) Give due notice of the time and place of~~
2 ~~Commission meetings to Commission members and to the public.~~

3 ~~(2) Keep the official journal and minutes of~~
4 ~~Commission proceedings.~~

5 ~~(3) Prescribe for the Commission any required~~
6 ~~publications of notices, ordinances or resolutions or Charter~~
7 ~~amendments.~~

8 ~~(4) Maintain and make available for public inspection~~
9 ~~an indexed file containing copies of the Broward County Code,~~
10 ~~this Charter, every adopted ordinance, resolution, rule,~~
11 ~~regulation, and code of regulations, and every adopted~~
12 ~~amendment or notification of any of the foregoing.~~

13 ~~(5) Perform such other duties as the Commission may~~
14 ~~prescribe.~~

15 Section 2.04 MEETINGS, RULES AND VOTING

16 A. The County Commission shall meet regularly at such
17 times and places as the Commission may prescribe by rule.
18 Special meetings may be held on the call of the Mayor, the
19 Chair, or a majority of four ~~(4)~~ or more of members of the
20 Commission upon no less than 12 ~~twelve~~ ~~(12)~~ hours effective
21 notice to each member, except in the event of an emergency.

22 B. The Commission shall determine its own rules and
23 order of business.

24 C. Voting on motions shall be required, and the vote
25 of each Commissioner shall be recorded in the journal. No less
26 than a majority of the members of the Commission shall
27 constitute a quorum.

28 D. The Commission may take official action only
29 through the adoption of ordinances or resolutions, except for
30 matters for its own internal procedures or regarding
31 investigations that it conducts.

1 ~~E.D.~~ The Commission, at its organizational meeting,
2 shall elect its officers by a majority vote to serve for a
3 period of 1 ~~one~~ (~~1~~) year. Such officers may serve consecutive
4 terms.

5 Section 2.06 INTERFERENCE WITH EXECUTIVE BRANCH OF
6 GOVERNMENT

7 Except for the purpose of enactment of ordinances and
8 resolutions or inquiries, and investigations, or as otherwise
9 provided for in this Charter, the Commission or its members
10 shall deal with officers and employees who are subject to the
11 direction or supervision of the Mayor solely through the
12 Mayor, and neither the Commission nor its members may give
13 orders to any such officer or employee, either publicly or
14 privately. Nothing in this section may be construed to
15 prohibit individual members of the Commission from closely
16 scrutinizing, by questions and personal observation, all
17 aspects of county government operations so as to obtain
18 independent information to assist the members in the
19 formulation of policies to be considered by the Commission. It
20 is the express intent of this section, however, that such
21 inquiry not interfere directly with executive or
22 administrative operations of the County and that
23 recommendations for change or improvement in County executive
24 or administrative operations be made to and through the Mayor.

25 Section 4. Sections 3.01, 3.02, and 3.03 of Article
26 III of the Charter of Broward County are amended, and sections
27 3.04 and 3.05 are added to that article, to read:

28 ARTICLE III

29 EXECUTIVE ~~ADMINISTRATIVE~~ BRANCH: MAYOR,
30 COUNTY ADMINISTRATOR
31

1 Section 3.01 ESTABLISHMENT OF EXECUTIVE ADMINISTRATIVE
2 BRANCH: COMPOSITION

3 There shall be an executive ~~administrative~~ branch
4 having jurisdiction over all operations of the County
5 government not herein assigned to the legislative branch. The
6 executive ~~administrative~~ branch shall be composed of the
7 Mayor, the County Administrator, hereinafter referred to as
8 the "Administrator," the officers and employees of the
9 administrative officers and executive departments established
10 by this Charter or created by the Commission, and the
11 executive and administrative officers and employees of Boards
12 and Commissions, except as otherwise provided for in this
13 Charter.

14 Section 3.02 OFFICE OF THE MAYOR

15 Election of Mayor: Commencing with the 2000 general
16 election, the office for Mayor of Broward County shall be
17 filled on a partisan basis for a term of 4 years, which shall
18 begin on the Tuesday 2 weeks following the day of the general
19 election. The election for Mayor shall be conducted in the
20 same manner as that for County Commissioner, except that the
21 Mayor may reside anywhere within Broward County and shall be
22 elected countywide. The Mayor must be a qualified elector
23 residing within Broward County for at least 3 years before
24 qualifying. The Mayor shall not serve as a member of the
25 Commission. The Mayor shall be recognized and function as head
26 of County government and shall devote such time as is
27 necessary to perform the duties of the office. The Mayor shall
28 have the following specific powers and responsibilities:

29 A. The Mayor shall be the chief executive officer of
30 the County and shall have such executive and administrative
31

1 powers, duties, and functions as are provided in Section 1.07
2 of this Charter.

3 B. The Mayor shall, within 10 days after final
4 adoption by the Commission, have veto authority over
5 ordinances or resolutions or any legislative, quasi-judicial,
6 zoning, comprehensive-plan, or land-use decision of the
7 Commission, including the budget or any particular component
8 contained therein which was approved by the Commission;
9 however, if any revenue item is vetoed, an expenditure item in
10 the same or a greater dollar amount must also be vetoed. The
11 Commission may, at its next regularly scheduled meeting after
12 the veto occurs, override that veto by a two-thirds vote of the
13 Commissioners present. The Mayor shall have no veto over
14 redistricting as provided in Section 2.01 of this Charter.

15 C. The Mayor shall appoint the County Administrator.
16 The Commission shall have 10 days within which to override the
17 appointment of the County Administrator made by the Mayor by a
18 vote of two-thirds of the Commissioners then in office. The
19 Mayor may remove the County Administrator. The Commission
20 shall have 10 days within which to override the Mayor's
21 removal of the County Administrator by a two-thirds vote of
22 those Commissioners then in office. Additionally, the
23 Commission, by a two-thirds vote of those Commissioners then
24 in office, may remove the County Administrator without action
25 of the Mayor.

26 D. The salary and expenses of the Mayor shall be
27 determined and established in the same manner as
28 Commissioners, as provided for in this Charter, except that
29 the salary of the Mayor shall be 150 percent of the salary for
30 a Commissioner.

31

1 E. The Mayor shall have such administrative and
2 secretarial staff as are deemed reasonably necessary to serve
3 the Mayor in the performance of his duties. Such
4 administrative and secretarial staff shall serve at the
5 pleasure of the Mayor.

6 F. The Mayor shall prepare and submit the annual
7 budget and capital program to the Commission, execute the
8 budget and capital program in accordance with appropriations
9 and ordinances adopted by the Commission, and carry into
10 execution such other powers or duties as are required by this
11 Charter or prescribed by the Commission.

12 G. The Mayor or the Mayor's designee shall sign all
13 administrative or ministerial documents on behalf of the
14 County, including, but not limited to, contracts, grant
15 applications, satisfactions, and releases when such signature
16 is not inconsistent with the laws of this state.

17 H. The Mayor shall have, in addition, the following
18 powers and duties:

19 (1) To present annually, at a time designated by the
20 Commission, a "State of the County" message, setting forth
21 programs and recommendations.

22 (2) To serve as the official representative and
23 ceremonial dignitary for the government of Broward County,
24 with the prerogative to issue proclamations.

25 (3) To sign ordinances, resolutions, and other
26 legislative documents.

27 I. All functioning duties now prescribed by the
28 Constitution and laws of this state for the office of the
29 Clerk of the Circuit Court or County Comptroller which relate
30 to their duties as the ex officio Clerk of the Board of County
31 Commissioners are transformed to the Mayor or his or her

1 designee. Under the supervision of the Major, the County
2 Administrator shall:

3 (1) Give due notice of the time and place of
4 Commission meetings to Commission members and to the public.

5 (2) Keep the official journal and minutes of
6 Commission proceedings.

7 (3) Prescribe for the Commission any required
8 publication of notices, ordinances, resolutions, or Charter
9 amendments.

10 (4) Maintain and make available for public inspection
11 an indexed file containing copies of the Broward County Code;
12 this Charter; every adopted ordinance, resolution, rule,
13 regulation, and code of regulations; and every adopted
14 amendment or notification of any of the foregoing.

15 ~~Section 3.02 COUNTY ADMINISTRATOR: QUALIFICATIONS;~~
16 ~~ABSENCES AND DISABILITIES; REMOVAL~~

17 ~~The Commission shall appoint the County Administrator~~
18 ~~by a vote of one (1) more than that which would constitute a~~
19 ~~majority vote of the full commission and can dismiss by a~~
20 ~~majority vote of the full commission. The Administrator shall~~
21 ~~be the head of the administrative branch and shall serve at~~
22 ~~the will of the Commission.~~

23 ~~A. Qualifications: The Administrator shall be chosen~~
24 ~~on the basis of qualifications required by a job description~~
25 ~~to be prepared by the Commission within thirty (30) days from~~
26 ~~the effective date of this Charter.~~

27 ~~B. Absences, or disabilities. By a letter filed with~~
28 ~~the Commission, the Administrator may designate a qualified~~
29 ~~County Administrative Officer or County employee to exercise~~
30 ~~the powers and perform the duties of the Administrator during~~
31 ~~the Administrator's temporary absence or disability. If the~~

1 ~~Administrator fails to make such a designation, or if there is~~
2 ~~a vacancy in the office of Administrator, the Commission shall~~
3 ~~designate by resolution a qualified County Administrative~~
4 ~~Officer or County employee to perform the duties of the~~
5 ~~Administrator during absence, disability or suspension, or~~
6 ~~during the vacancy in the office of Administrator.~~

7 Section 3.03 MAYOR: ABSENCE, INCAPACITY, VACANCY

8 A. During any absence of the Mayor from Broward
9 County, the Chair of the County Commission shall automatically
10 serve as acting Mayor, with emergency powers to act only when
11 the people's interest requires and with such additional powers
12 as the Mayor designates.

13 B. If the Mayor becomes incapable of performing the
14 duties of the office, or if the Mayor is suspended in the
15 exercise of his office, and in either case as long as the
16 incapacity or suspension lasts, the Chair of the County
17 Commission shall automatically serve as Acting Mayor, with all
18 powers of the office.

19 C.(1) If there is a vacancy in the office of Mayor
20 when there is less than 180 days remaining before the next
21 regular countywide or general election, the County Commission
22 shall, by a majority vote of those Commissioners then in
23 office, choose a successor to serve as Mayor until that
24 election, at which a Mayor shall be elected for the remainder
25 of the unexpired term.

26 (2) If no countywide or general election is scheduled
27 within 180 days after the vacancy in the office of Mayor, the
28 County Commission shall first schedule a special election,
29 including all necessary primary elections, to fill the
30 unexpired term of the Mayor no sooner than 60 days, or more
31 than 90 days, following the occurrence of the vacancy. The

1 special election shall be conducted in the same manner as the
2 regular election for Mayor.

3 (3) During the vacancy of the office of Mayor, the
4 Chair of the County Commission shall serve as Acting Mayor,
5 with all powers of the office.

6 ~~Section 3.03 POWERS, FUNCTIONS AND DUTIES OF THE~~
7 ~~COUNTY ADMINISTRATOR~~

8 ~~A. The Administrator shall be the chief administrative~~
9 ~~officer of the County. The Administrator shall be responsible~~
10 ~~to the Commission for the proper administration of all County~~
11 ~~affairs placed in the Administrator's charge by or under this~~
12 ~~Charter. The Administrator shall direct and supervise the~~
13 ~~administration and functions of the County or of its~~
14 ~~departments, divisions, offices or agencies, except when~~
15 ~~prohibited by the Constitution and Laws of Florida and except~~
16 ~~when such functions are specifically assigned by this Charter~~
17 ~~to any department, division, office or agency whose head is~~
18 ~~not appointed by the Administrator.~~

19 ~~B. Except as otherwise provided by the Constitution~~
20 ~~and Laws of Florida, or by this Charter, the Administrator~~
21 ~~shall appoint and, when deemed necessary for the good of the~~
22 ~~County, can suspend and remove County employees. The~~
23 ~~Administrator may authorize any appointive County department~~
24 ~~head to appoint, suspend or remove subordinates in that~~
25 ~~officer's department, division, office or agency. The~~
26 ~~Administrator shall have the power to nominate all~~
27 ~~administrative department heads of the County government and~~
28 ~~said nominations must be approved by a majority vote of the~~
29 ~~Commission. The right to suspend, remove or discharge any~~
30 ~~department head is reserved to the Administrator.~~

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1 ~~C. The Administrator shall see that all ordinances,~~
2 ~~resolutions and orders of the Commission and all laws of the~~
3 ~~State which are subject to enforcement by the Administrator,~~
4 ~~or by officers who are subject under this Charter to the~~
5 ~~Administrator's direction and supervision, are faithfully~~
6 ~~executed.~~

7 ~~D. The Administrator shall prepare and submit the~~
8 ~~annual budget and capital program to the Commission and~~
9 ~~execute the budget and capital program in accordance with~~
10 ~~appropriations and ordinances adopted by the Commission.~~

11 ~~E. The Administrator shall regularly examine the~~
12 ~~accounts, records and operations of every County department,~~
13 ~~division, office or agency. The Administrator shall make~~
14 ~~regular monthly reports to the Commission on County affairs;~~
15 ~~and shall keep the Commission fully advised on the financial~~
16 ~~condition and future needs of the County and make such~~
17 ~~recommendations on County affairs as deemed desirable by the~~
18 ~~Administrator.~~

19 ~~F. The Administrator shall submit to the Commission at~~
20 ~~the end of the fiscal year a complete report on the finances~~
21 ~~and administrative activities of the County for the preceding~~
22 ~~year and prepare and make available for distribution to the~~
23 ~~public, within three (3) months after the end of each fiscal~~
24 ~~year, an annual report on County affairs during that fiscal~~
25 ~~year.~~

26 ~~G. The Administrator shall carry into execution such~~
27 ~~other powers or duties as are required by this Charter or may~~
28 ~~be prescribed by the commission.~~

29 ~~H. The Administrator shall coordinate all funding~~
30 ~~programs of all other governmental units with the County~~
31 ~~government.~~

1 ~~I. The Administrator shall sign all administrative or~~
2 ~~ministerial documents on behalf of the Commission including,~~
3 ~~but not limited to, contracts, grant applications,~~
4 ~~satisfactions, and releases when signature by the~~
5 ~~Administrator is not inconsistent with the laws of the State~~
6 ~~of Florida.~~

7 Section 3.04 COUNTY ADMINISTRATOR; QUALIFICATIONS;
8 ABSENCES AND DISABILITIES

9 A. Qualifications: The Administrator shall be chosen
10 on the basis of qualifications required by a job description
11 to be submitted by the Mayor, filed with the Commission,
12 within 30 days after the effective date of this Charter.

13 B. Absences, or disabilities. By a letter filed with
14 the Commission, the Mayor shall designate a qualified County
15 Administrative Officer or County employee to exercise the
16 powers and perform the duties of the Administrator during the
17 Administrator's temporary absence or disability, subject to
18 Section 3.02C.

19 Section 3.05 POWERS, FUNCTIONS, AND DUTIES OF THE
20 COUNTY ADMINISTRATOR

21 A. The County Administrator shall be the chief
22 operating officer of the County. The Administrator shall be
23 responsible to the Mayor for the proper administration of all
24 County affairs placed in the Administrator's charge by the
25 Mayor or by this Charter. The Administrator shall direct and
26 supervise the day-to-day administration and functions of the
27 County or of its departments, divisions, offices, or agencies,
28 under the supervision of the Mayor, except when prohibited by
29 the Constitution and laws of this state and except when such
30 functions are specifically assigned by this Charter to any
31

1 department, division, office, or agency whose head is not
2 appointed by the Administrator.

3 B. Except as otherwise provided by the Constitution
4 and laws of this state or by this Charter, the Administrator
5 shall appoint and, when deemed necessary for the good of the
6 County, may discipline and remove County employees. However,
7 County department heads shall be appointed, disciplined, and
8 removed only with consent of the Mayor. The Administrator may,
9 with the consent of the Mayor, authorize any appointive County
10 department head to appoint, suspend, or remove subordinates in
11 that officer's department, division, office, or agency.

12 C. The Administrator, under the direction of the
13 Mayor, shall see that all ordinances, resolutions, and orders
14 of the Mayor and all laws of the state which are subject to
15 enforcement by the Mayor, Administrator, or officers who are
16 subject under this Charter to the Mayor's or Administrator's
17 direction and supervision are faithfully executed.

18 D. The Administrator, at the direction of the Mayor,
19 shall regularly examine the accounts, records, and operations
20 of every County department, division, office, or agency. The
21 Administrator shall make regular monthly reports to the Mayor
22 and Commission on County affairs and shall keep the Mayor and
23 Commission fully advised on the financial condition and future
24 needs of the County and make recommendations on County affairs
25 when assigned to do so by the Mayor.

26 E. The Administrator, at the direction of the Mayor,
27 shall submit to the Commission at the end of the fiscal year a
28 complete report on the finances and administrative activities
29 of the County for the preceding year and prepare and make
30 available for distribution to the public, within 3 months

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1 after the end of each fiscal year, an annual report on County
2 affairs during that fiscal year.

3 F. The Administrator, under the direction of the
4 Mayor, shall coordinate all funding programs of all other
5 governmental units with the County government.

6 G. The Administrator shall perform such other duties
7 and have such other functions as the Mayor prescribes.

8 H. Neither the Mayor nor any Commissioner shall be
9 eligible for the position of Administrator during, or within 2
10 years after the expiration of, their respective terms.

11 Section 5. Sections 4.01, 4.02, 4.03, 4.04, 4.05,
12 4.06, and 4.08 of Article IV of the Charter of Broward County
13 are amended to read:

14 ARTICLE IV

15 EXECUTIVE ~~ADMINISTRATIVE~~ DEPARTMENTS, DIVISIONS,
16 OFFICES AND AGENCIES

17 Section 4.01 GENERAL PROVISIONS

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

21 A. The activities under the direction and supervision
22 of the Mayor ~~Administrator~~ shall be distributed in an
23 administrative organization which will efficiently and
24 effectively provide, in the manner prescribed by the
25 Administrative Code:

- 26 (1) General Government Services;
27 (2) Public Safety Services;
28 (3) Physical Environmental Services;
29 (4) Transportation Services;
30 (5) Human Services;
31 (6) Cultural and Recreation Services;

- 1 (7) Economic Environmental Services; and
2 (8) Other such services as prescribed by the
3 Commission.

4 B. The activities under the direction and supervision
5 of the Mayor Administrator shall be distributed among such
6 departments, divisions, offices, and agencies as are
7 established by this Charter or may be established or abolished
8 by Administrative Code.

9 C. Except as otherwise provided in this Charter, or in
10 the Administrative Code, each such department, division,
11 office, or agency shall be administered by an officer
12 appointed by the County Administrator under ~~and subject under~~
13 ~~this Charter to~~ the direction and supervision of the Mayor
14 ~~Administrator~~. Unless otherwise prohibited by this Charter, or
15 by the Administrative Code, the County Administrator may serve
16 as the head of one~~(1)~~ or more such departments, divisions,
17 offices, or agencies and may appoint one~~(1)~~ person as the
18 head of two~~(2)~~ or more such departments, divisions, offices,
19 or agencies.

20 Section 4.02 DEPARTMENT OF FINANCE AND ADMINISTRATIVE
21 SERVICES

22 A. There shall be a Department of Finance and
23 Administrative Services which shall be responsible for the
24 administration of all financial affairs of County government
25 under direction and supervision of the Mayor.

26 B. The Office of Tax Collector is hereby abolished,
27 and all functions and duties of that office are hereby
28 transferred to the Department of Finance and Administrative
29 Services.

30 C. All fiscal functions and duties now prescribed by
31 the Constitution and Laws of Florida for the office of Clerk

1 of the Circuit Court and County Comptroller which relate to
2 their duties as the custodian of all County funds, auditor and
3 recordation of public documents are hereby transferred to the
4 Department of Finance and Administrative Services. The Office
5 of County Comptroller is hereby abolished.

6 D. The Department of Finance and Administrative
7 Services shall:

8 (1) Assist the appropriate officer or officers of
9 Charter Government in the preparation and execution of the
10 County budget and capital program.

11 (2) Submit to the Mayor ~~appropriate officer or~~
12 ~~officers of Charter Government~~ through the Administrator at
13 the end of each fiscal year a written report of the financial
14 transactions of that year and a complete statement of the
15 financial condition of the County at the end of the year.

16 (3) Perform such other duties as are ~~may be~~ prescribed
17 by the Mayor ~~Administrative Code~~.

18 Section 4.03 OFFICE OF THE COUNTY ATTORNEY

19 There shall be an Office of the County Attorney. The
20 County Attorney shall be the chief legal counsel to the County
21 and direct and supervise that office. The County Attorney
22 shall be appointed and removed in the same manner as provided
23 for in this Charter for the position of the County
24 Administrator ~~by and serve at the pleasure of the Commission~~.
25 The County Attorney may appoint attorney assistants. The
26 County Attorney may appoint special counsel as may be required
27 upon approval of the Commission and Mayor. They shall
28 represent the Mayor, ~~the County government,~~ the Commission,
29 the County Administrator, and the department heads and County
30 officers, all other departments and divisions of County
31 government, and all Adjustment, Regulatory, and Advisory

1 Boards in all legal matters affecting the County government;
2 and, upon request, they shall represent all Constitutional
3 Officers serving Broward County. The County Attorney and all
4 assistant attorneys must ~~shall~~ be licensed to practice law in
5 the State of Florida.

6 4.04 CENTRAL SERVICES

7 There shall be contained within the Administrative Code
8 of Broward County the operational components related to the
9 following functions under the direction and supervision of
10 Mayor and County Administrator:

- 11 A. Personnel;
- 12 B. Purchasing;
- 13 C. Data Processing;
- 14 D. Vehicle Operations and Maintenance;
- 15 E. Records;
- 16 F. Building and Maintenance; and
- 17 G. All other functions as are determined by the Board
18 of County Commissioners by ordinance or resolution.

19 The aforementioned components shall be provided to all
20 departments, divisions, offices, and agencies of County
21 government and all such departments, divisions, offices, and
22 agencies shall be required to use said services. In an effort
23 to improve the cost effectiveness of County government, all
24 such services shall also be available to the Constitutional
25 Officers who are not required by law to use them but who may
26 find benefits for doing so. In addition, the advantages and
27 provision of such functions, individually or in tandem, with
28 the Constitutional Officers should be explored and utilized
29 when appropriate. The extension of those functions to
30 municipalities and the benefits of coordination and
31 standardization in the sharing of these resources should

1 likewise be explored and utilized when appropriate. Whenever
2 possible, interlocal agreements between County government and
3 municipalities should be encouraged so as to enhance the
4 quality of life to the citizens of Broward County.

5 Section 4.05 TRANSPORTATION SERVICES

6 Given the importance of transportation services, the
7 responsibilities for County transportation services shall be
8 integrated and afforded a highly visible and prominent
9 position within the organization of the Administration to
10 include an Office of Transportation or a Department of
11 Transportation subject to the Mayor of Broward County.

12 Section 4.06 OFFICE OF COUNTY ~~COMMISSION~~ AUDITOR

13 The Commission shall appoint an auditor who shall be a
14 Certified Public Accountant. At the time of the appointment,
15 the auditor must ~~shall~~ have and maintain an active license,
16 must ~~shall~~ be certified under the Public Accountancy Law in
17 Florida, and must ~~shall~~ have sufficient experience in
18 governmental accounting and auditing practices.

19 The auditor shall be responsible for the maintenance of
20 internal controls and for the performance of such other duties
21 assigned by the Commission. To the degree necessary to fulfill
22 the responsibilities of the office, the auditor shall have the
23 power and authority to:

24 A. Conduct financial and compliance, economy and
25 efficiency, and performance audits of Charter government and
26 officials with written reports submitted to ~~both~~ the Mayor,
27 the Commission, and the Administrator.

28 B. Have free and unrestricted access to Charter
29 government employees, officials, records, and reports; and,
30 where appropriate, require all branches, departments, and
31

1 officials of Charter government to provide oral and written
2 reports and to produce documents, files, and other records.

3 Section 4.08 ADMINISTRATIVE CODES

4 A. The Administrator under the direction of the Mayor
5 shall prepare an Administrative Code that sets ~~which shall set~~
6 forth departmental organization of the government and the
7 nature and scope of each department together with all required
8 rules and procedures for the operation of such ~~said~~
9 departments and a comprehensive budget procedure. The County
10 Commission shall review and adopt, with or without amendment,
11 the Administrative Code. The Administrator under the direction
12 of the Mayor Administration may, from time to time, submit any
13 changes in any or all department organizations, including
14 combinations, deletions, and creations of departments or
15 divisions and transfer of responsibility between departments
16 and divisions, to the Commission for review, amendment, and/or
17 adoption. Additionally, the Administrator under the direction
18 of the Mayor shall provide at least annually an organizational
19 chart outlining the current structure of the County
20 government.

21 B. The Administrative Code shall include the rules and
22 regulations for a personnel system which shall include a
23 salary schedule, provisions for vacations, sick leaves,
24 insurance benefits and other benefits for all persons in
25 accordance with the provisions of this Charter, and to
26 formulate a procedure whereby an employee will have an
27 opportunity to be heard upon his request pending discharge,
28 suspension or any designated disciplinary action, and provide
29 for such other duties as are necessary for an efficient
30 personnel system consistent with state and federal laws.

31

1 Section 6. The office of Mayor of Broward County is
2 created effective November 21, 2000, to be filled by the
3 electors of Broward County at the general election in 2000.
4 The Board of County Commissioners of Broward County shall
5 schedule an election in accordance with the provisions of law
6 relating to elections currently in force in Broward County for
7 the general election of 2000. The subject of such election
8 shall be the election of Commissioners of Broward County, in
9 accordance with section 2 of this act, and the election of the
10 Mayor of Broward County in accordance with section 3.02 of
11 Article III of the Charter of Broward County, as amended by
12 section 4 of this act. In this election, the procedures
13 prescribed in sections 101.6101-101.6107, Florida Statutes,
14 may not be used.

15 Section 7. The item that shall appear on the ballot on
16 the date of the presidential preference primary of 2000 shall
17 be as follows:

18
19 "COUNTY TO BE GOVERNED BY COMMISSIONERS ELECTED
20 FROM SINGLE-MEMBER DISTRICTS AND ELECTED EXECUTIVE MAYOR"

21
22 "Broward County shall be governed by
23 commissioners and elected Mayor. The
24 legislative branch of Broward County shall
25 consist of seven (7) county commissioners
26 elected from single-member districts. The
27 Mayor shall be its chief executive officer with
28 the right of veto over legislative acts. A
29 professional County Administrator shall be the
30 chief operating officer of the county.
31 Subsequent to 2002, nine (9) county

1 commissioners shall be elected from
2 single-member districts."

3
4 YES _____

5

6 NO _____

7 Section 8. This act, except for this section, which
8 shall take effect upon becoming a law, shall take effect only
9 if it is approved by a majority vote of those qualified
10 electors of Broward County voting in a referendum to be held
11 by the Board of County Commissioners of Broward County on the
12 date of the presidential preference primary in 2000, in
13 accordance with the provisions of law relating to elections
14 currently in force in Broward County. In this election, the
15 procedures prescribed in sections 101.6101-101.6107, Florida
16 Statutes, may not be used. If this act is approved, it will
17 take effect November 21, 2000, except that section 6 shall
18 take effect on approval of this act.

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