

1                   A bill to be entitled  
2           An act relating to Broward County; providing  
3           legislative findings; providing for the transfer of  
4           certain county-related functions and duties, including  
5           ex officio clerk of the board of county commissioners,  
6           county recorder, auditor, and custodian of county  
7           funds to the county government; providing that the  
8           County Auditor maintain power and authority as  
9           prescribed in the Broward County Charter; providing an  
10          exception to general law; providing for a referendum;  
11          providing effective dates.

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13   Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. (1) Broward County became a charter county on  
16 January 1, 1975, pursuant to a vote of the electors on November  
17 5, 1974. When approved by the county's electors, s. 7.06 of the  
18 Broward County Charter, relating to the County Comptroller Act,  
19 chapter 72-407, Laws of Florida, provided for the transfer of  
20 the county comptroller's functions, responsibilities, duties,  
21 and obligations to the county government, including ex officio  
22 clerk of the board of county commissioners, county recorder,  
23 auditor, and custodian of county funds. More specifically,  
24 Subsection C. of s. 2.03 of the county charter transferred to  
25 the County Administrator of Broward County all functioning

26 duties prescribed by the Florida Constitution and general law  
27 for the clerk of the circuit court or county comptroller  
28 relating to their duties as ex officio clerk of the board of  
29 county commissioners. In addition, Subsection C. of s. 4.03 of  
30 the county charter transferred to the Department of Finance, now  
31 the Department of Finance and Administrative Services, all  
32 fiscal functions and duties prescribed by the Florida  
33 Constitution and general law for the clerk of the circuit court  
34 or county comptroller relating to their duties as the custodian  
35 of all county funds, auditor, and recorder of public documents.

36 (2) The aforementioned county-related functions and duties  
37 continue to be performed by the Broward County government,  
38 including the auditor functions through the county's Department  
39 of Finance and Administrative Services, and an independent  
40 County Auditor, as provided in Article IV of the county charter,  
41 created by majority vote of the county's electors on November 5,  
42 2002.

43 (3) On November 6, 2018, Florida voters statewide approved  
44 Amendment 10, relating to state and local government structure  
45 and operation, which, in part, amended Article VIII, s. 1(d), of  
46 the State Constitution to eliminate the power by county charter  
47 to provide a different method of selecting certain county  
48 offices, the abolishment of such offices, and the transfer of  
49 such county offices' functions and duties to another office.  
50 Consequently, effective January 7, 2025, Broward County may be

51 required by Amendment 10 to return the functions of ex officio  
52 clerk of the board of county commissioners, auditor, recorder,  
53 and custodian of all county funds to the clerk of the circuit  
54 court, unless otherwise provided by special law approved by the  
55 electors of Broward County.

56 Section 2. (1) Notwithstanding any law to the contrary,  
57 and subject to the approval of the electors of Broward County in  
58 a referendum called pursuant to section 3, all functions and  
59 duties now prescribed by the Constitution and general law for  
60 the office of the clerk of the circuit court relating to the  
61 duties of ex officio clerk of the board of county commissioners,  
62 auditor, recorder, and custodian of all county funds shall be  
63 the responsibility of the County Administrator of Broward  
64 County, who shall exercise any such powers, functions, duties,  
65 and authorities in accordance with general law, this act, the  
66 Broward County Charter, county ordinances, and applicable  
67 administrative resolutions, regulations, and procedures, or as  
68 otherwise required by law. Nothing in this act shall be  
69 construed to affect adversely the power and authority of the  
70 County Auditor, as prescribed in Article IV of the Broward  
71 County Charter, or such duties as may be assigned to such office  
72 by the county commission.

73 (2) This section shall take effect on January 7, 2025,  
74 provided that a majority of the electors of the county voting in  
75 the referendum election approve this act.

76           Section 3. (1) The Board of County Commissioners of  
77 Broward County shall submit to a referendum election, on the  
78 same date as the 2020 November general election, the question  
79 concerning the approval of this special act. The ballot measure  
80 shall comply with provisions of s. 101.161, Florida Statutes.

81           (2) Should the referendum question submitted to Broward  
82 County electors pursuant to subsection (1) fail to receive  
83 majority approval, the board of county commissioners may submit  
84 the question at other referendum elections as determined by the  
85 board of county commissioners, unless this act is repealed by  
86 the Legislature.

87           Section 4. Except as otherwise expressly provided in this  
88 act, this act shall take effect July 1, 2019.