

ENROLLED

CS/HB 989

2020 Legislature

1
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 an interlocal
11 agreement for the transfer of recorder functions and
12 duties; providing for a referendum; providing an
13 effective date.

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

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

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26 | Subsection C. of s. 2.03 of the county charter transferred to
27 | the County Administrator of Broward County all functioning
28 | duties prescribed by the State Constitution and general law for
29 | the clerk of the circuit court or county comptroller relating to
30 | their duties as ex officio clerk of the board of county
31 | commissioners. In addition, Subsection C. of s. 4.03 of the
32 | county charter transferred to the Department of Finance, now the
33 | Department of Finance and Administrative Services, all fiscal
34 | functions and duties prescribed by the State Constitution and
35 | general law for the clerk of the circuit court or county
36 | comptroller relating to their duties as the custodian of all
37 | county funds, auditor, and recorder of public documents.

38 | (2) The aforementioned county-related functions and duties
39 | continue to be performed by the Broward County government,
40 | including the auditor functions through the county's Department
41 | of Finance and Administrative Services, and an independent
42 | County Auditor, as provided in Article IV of the county charter,
43 | created by majority vote of the county's electors on November 5,
44 | 2002.

45 | (3) On November 6, 2018, Florida voters statewide approved
46 | Amendment 10, relating to state and local government structure
47 | and operation, which, in part, amended Article VIII, s. 1(d), of
48 | the State Constitution to eliminate the power by county charter
49 | to provide a different method of selecting certain county
50 | offices, the abolishment of such offices, and the transfer of

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51 such county offices' functions and duties to another office.
 52 Consequently, effective January 7, 2025, Broward County may be
 53 required by Amendment 10 to return the functions of ex officio
 54 clerk of the board of county commissioners, auditor, recorder,
 55 and custodian of all county funds to the clerk of the circuit
 56 court, unless otherwise provided by special law approved by the
 57 electors of Broward County.

58 Section 2. (1) Notwithstanding any law to the contrary,
 59 and subject to the approval of a majority of the electors of
 60 Broward County voting in a referendum called pursuant to section
 61 3, the functions and duties now prescribed by the State
 62 Constitution and general law for the office of the clerk of the
 63 circuit court relating to the duties of ex officio clerk of the
 64 board of county commissioners, auditor, and custodian of all
 65 county funds shall be the responsibility of the County
 66 Administrator of Broward County, who shall exercise any such
 67 powers, functions, duties, and authorities in accordance with
 68 general law, this act, the Broward County Charter, county
 69 ordinances, and applicable administrative resolutions,
 70 regulations, and procedures, or as otherwise required by law.
 71 This act shall not be construed to affect adversely the power
 72 and authority of the County Auditor, as prescribed in Article IV
 73 of the Broward County Charter, or such duties as may be assigned
 74 to such office by the county commission.

75 (2) The aforementioned county-related functions and duties

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76 | now prescribed by the State Constitution and general law for the
 77 | office of the clerk of the circuit court relating to the duties
 78 | of recorder shall be transferred by Broward County to the clerk
 79 | of the circuit court effective January 7, 2025, or an earlier
 80 | date agreed to by Broward County and the clerk of the circuit
 81 | court. To ensure an orderly transition of the recorder functions
 82 | and duties, Broward County and the clerk of the circuit court
 83 | may enter into an interlocal agreement providing for the
 84 | transfer of all hardcopy documents and files; all electronic
 85 | documents; all other files and related information; existing and
 86 | necessary furnishings, equipment, and personnel; all funding
 87 | appropriated by the Broward County Board of County Commissioners
 88 | relating to the recorder functions and duties in fiscal year
 89 | 2024-2025 or an earlier date to which Broward County and the
 90 | clerk of the circuit court agree; and such other issues as may
 91 | be agreed to by Broward County and the clerk of the circuit
 92 | court to effectuate the orderly transfer of the recorder
 93 | functions and duties.

94 | Section 3. (1) The Board of County Commissioners of
 95 | Broward County shall submit to a referendum election, on the
 96 | same date as the 2020 November general election, the question
 97 | concerning the approval of this special act. The ballot measure
 98 | shall comply with provisions of s. 101.161, Florida Statutes.

99 | (2) Should the referendum question submitted to Broward
 100 | County electors pursuant to subsection (1) fail to receive

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101 | majority approval, the board of county commissioners may submit
102 | the question at other referendum elections as determined by the
103 | board of county commissioners, unless this act is repealed by
104 | the Legislature.

105 | Section 4. This act shall take effect upon becoming a law.