A bill to be entitled
An Act relating to Broward County; providing
legislative findings; providing the
functions and duties prescribed by the
Florida Constitution pursuant to Article
VIII, section 1(d) and Laws of Florida, for
the clerk of the circuit and county court of
Broward County, as ex-officio clerk of the
board of county commissioners, auditor, and
custodian of all county funds shall be the
responsibility of the County Administrator;
ensuring the power and authority of County
Auditor, as prescribed in the Broward County
Charter is not affected; providing for the
transfer of recorder functions and duties
from Broward County to the clerk of the
circuit court by a certain date; providing
for an interlocal agreement for transfer of
recorder functions and duties; providing for
a referendum to be held with the 2020
November General Election; authorizing
subsequent referendums under certain
conditions; providing an effective date.

CODING: Words stricken are deletions; words underlined are additions.
Section 1. Legislative Findings.—

(1) Broward County became a charter county on January 1, 1975, pursuant to a vote of the electors on November 5, 1974. When approved by the county’s electors, s. 7.06 of the Broward County Charter, relating to the County Comptroller Act, Chapter 72-407, Laws of Florida, provided for the transfer of the county comptroller’s functions, responsibilities, duties, and obligations to the county government, including ex-officio clerk of the board of county commissioners, county recorder, auditor, and custodian of county funds. More specifically, Subsection C. of s. 2.03 of the county charter transferred to the County Administrator of Broward County all functioning duties prescribed by the Florida Constitution and Laws of Florida for the clerk of the circuit court or county comptroller relating to their duties as ex-officio clerk of the board of county commissioners. In addition, Subsection C. of s. 4.03 of the county charter transferred to the Department of Finance [now the Department of Finance and Administrative Services] all fiscal functions and duties prescribed by the Florida Constitution and Laws of Florida for the clerk of the circuit court or county comptroller relating to their duties as the custodian of all county funds, auditor, and recorder of public documents.

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

(3) On November 6, 2018, Florida voters statewide approved Amendment 10, relating to state and local government structure and operation, which, in part, amended Article VIII, s. 1(d), of the State Constitution to eliminate the power by county charter to provide a different method selecting certain county offices, the abolishment of such offices, and the transfer of such county offices’ functions and duties to another office. Consequently, effective January 7, 2025, Broward County may be required by Amendment 10 to return the functions of ex-officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds to the clerk of the circuit court, unless otherwise provided by special law approved by the electors of Broward County.

Section 2. (1) Notwithstanding any law to the contrary, and subject to the approval of a majority of the electors of Broward County voting in a referendum called pursuant to Section 3 of this act, the functions and duties now prescribed by the Constitution and Laws of Florida for the office of the clerk of the circuit of court relating to the duties of ex-officio clerk of the board of county commissioners, auditor, and custodian of all county funds shall be the responsibility of the County Administrator of Broward County, who shall exercise any such powers, functions, duties, and authorities in accordance with...
general law, this act, the Broward County Charter, county ordinances, and applicable administrative resolutions, regulations, and procedures, or as otherwise required by law. Nothing in this act shall be construed to affect adversely the power and authority of the County Auditor, as prescribed in Article IV of the Broward County Charter, or such duties as may be assigned to such office by the County Commission.

(2) The functions and duties now prescribed in the Constitution and Laws of Florida for the office of the clerk of the circuit court relating to the duties of recorder shall be transferred by the Broward County to the clerk effective January 7, 2025 or an earlier date agreed to by Broward County and the clerk of the circuit court. To ensure an orderly transition of the recorder functions and duties, Broward County and clerk of the circuit court may enter into an interlocal agreement providing for the transfer of all hardcopy documents and files, all electronic documents, files and related information, existing and necessary furnishings, equipment, and personnel, all funding appropriated by the Broward County Board of County Commissioners relating to the recorder functions and duties in fiscal year 2024-2025, or the earlier date to which the County and clerk of the circuit court agree, and such other issues as may be agreed to by the County and clerk to effectuate the orderly transfer of the recorder functions and duties.

Section 3. (1) The Board of County Commissioners of Broward County shall submit to a referendum election, on the

CODING: Words **stricken** are deletions; words **underlined** are additions.
same date as the 2020 November General Election, the question
concerning the approval of this special act. The ballot measure
shall comply with provisions of s. 101.161. Section 2(1) of this
act shall take effect on January 7, 2025, and Section 2(2) takes
effect on January 7, 2025 or an earlier date agreed to by
Broward County and the clerk of circuit court for the transfer
of the recorder functions and duties, provided that a majority
of the electors of the county voting in the referendum election
approve this act.

(2) Should the referendum question submitted to Broward
County electors pursuant to subsection (1) fail to receive
majority approval, the Board of County Commissioners may submit
the question at other referendum elections as determined by the
Board of County Commissioners, unless this act is repealed by
the Legislature.

Section 4. Except as otherwise provided, this act shall
take effect upon becoming law.

CODING: Words [stricken] are deletions; words [underlined] are
additions.