

1 A bill to be entitled
 2 An Act relating to Broward County; providing
 3 legislative findings; providing the
 4 functions and duties prescribed by the
 5 Florida Constitution pursuant to Article
 6 VIII, section 1(d) and Laws of Florida, for
 7 the clerk of the circuit and county court of
 8 Broward County, as ex-officio clerk of the
 9 board of county commissioners, auditor, and
 10 custodian of all county funds shall be the
 11 responsibility of the County Administrator;
 12 ensuring the power and authority of County
 13 Auditor, as prescribed in the Broward County
 14 Charter is not affected; providing for the
 15 transfer of recorder functions and duties
 16 from Broward County to the clerk of the
 17 circuit court by a certain date; providing
 18 for an interlocal agreement for transfer of
 19 recorder functions and duties; providing for
 20 a referendum to be held with the 2020
 21 November General Election; authorizing
 22 subsequent referendums under certain
 23 conditions; providing an effective date.

24 (underlining omitted)

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 additions.**

25 Section 1. Legislative Findings.—

26 (1) Broward County became a charter county on January 1,
 27 1975, pursuant to a vote of the electors on November 5, 1974.
 28 When approved by the county's electors, s. 7.06 of the Broward
 29 County Charter, relating to the County Comptroller Act, Chapter
 30 72-407, Laws of Florida, provided for the transfer of the county
 31 comptroller's functions, responsibilities, duties, and
 32 obligations to the county government, including ex-officio clerk
 33 of the board of county commissioners, county recorder, auditor,
 34 and custodian of county funds. More specifically, Subsection C.
 35 of s. 2.03 of the county charter transferred to the County
 36 Administrator of Broward County all functioning duties
 37 prescribed by the Florida Constitution and Laws of Florida for
 38 the clerk of the circuit court or county comptroller relating to
 39 their duties as ex-officio clerk of the board of county
 40 commissioners. In addition, Subsection C. of s. 4.03 of the
 41 county charter transferred to the Department of Finance [now the
 42 Department of Finance and Administrative Services] all fiscal
 43 functions and duties prescribed by the Florida Constitution and
 44 Laws of Florida for the clerk of the circuit court or county
 45 comptroller relating to their duties as the custodian of all
 46 county funds, auditor, and recorder of public documents.

47 (2) The aforementioned county-related functions and duties
 48 continue to be performed by the Broward County government,
 49 including the auditor functions through the County's Department
 50 of Finance and Administrative Services, and an independent

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51 County Auditor, as provided in Article IV of the county charter,
 52 created by majority vote of the county's electors on November 5,
 53 2002.

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

67 Section 2. (1) Notwithstanding any law to the contrary,
 68 and subject to the approval of a majority of the electors of
 69 Broward County voting in a referendum called pursuant to Section
 70 3 of this act, the functions and duties now prescribed by the
 71 Constitution and Laws of Florida for the office of the clerk of
 72 the circuit of court relating to the duties of ex-officio clerk
 73 of the board of county commissioners, auditor, and custodian of
 74 all county funds shall be the responsibility of the County
 75 Administrator of Broward County, who shall exercise any such
 76 powers, functions, duties, and authorities in accordance with

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 additions.**

77 | general law, this act, the Broward County Charter, county
 78 | ordinances, and applicable administrative resolutions,
 79 | regulations, and procedures, or as otherwise required by law.
 80 | Nothing in this act shall be construed to affect adversely the
 81 | power and authority of the County Auditor, as prescribed in
 82 | Article IV of the Broward County Charter, or such duties as may
 83 | be assigned to such office by the County Commission.

84 | (2) The functions and duties now prescribed in the
 85 | Constitution and Laws of Florida for the office of the clerk of
 86 | the circuit court relating to the duties of recorder shall be
 87 | transferred by the Broward County to the clerk effective January
 88 | 7, 2025 or an earlier date agreed to by Broward County and the
 89 | clerk of the circuit court. To ensure an orderly transition of
 90 | the recorder functions and duties, Broward County and clerk of
 91 | the circuit court may enter into an interlocal agreement
 92 | providing for the transfer of all hardcopy documents and files,
 93 | all electronic documents, files and related information,
 94 | existing and necessary furnishings, equipment, and personnel,
 95 | all funding appropriated by the Broward County Board of County
 96 | Commissioners relating to the recorder functions and duties in
 97 | fiscal year 2024-2025, or the earlier date to which the County
 98 | and clerk of the circuit court agree, and such other issues as
 99 | may be agreed to by the County and clerk to effectuate the
 100 | orderly transfer of the recorder functions and duties.

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

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103 same date as the 2020 November General Election, the question
 104 concerning the approval of this special act. The ballot measure
 105 shall comply with provisions of s. 101.161. Section 2(1) of this
 106 act shall take effect on January 7, 2025, and Section 2(2) takes
 107 effect on January 7, 2025 or an earlier date agreed to by
 108 Broward County and the clerk of circuit court for the transfer
 109 of the recorder functions and duties, provided that a majority
 110 of the electors of the county voting in the referendum election
 111 approve this act.

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

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

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