

CHAPTER 2020-194

Committee Substitute for House Bill No. 989

An act relating to Broward County; providing legislative findings; providing for the transfer of certain county-related functions and duties, including ex officio clerk of the board of county commissioners, county recorder, auditor, and custodian of county funds to the county government; providing that the County Auditor maintain power and authority as prescribed in the Broward County Charter; providing an exception to general law; providing for an interlocal agreement for the transfer of recorder functions and duties; providing for a referendum; providing an effective date.

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

Section 1. (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 State Constitution and general law 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 State Constitution and general law 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 of 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, the functions and duties now prescribed by the State Constitution and general law for the office of the clerk of the circuit 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. This act shall not 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 aforementioned county-related functions and duties now prescribed by the State Constitution and general law for the office of the clerk of the circuit court relating to the duties of recorder shall be transferred by Broward County to the clerk of the circuit court 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 the clerk of the circuit court may enter into an interlocal agreement providing for the transfer of all hardcopy documents and files; all electronic documents; all other 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 an earlier date to which Broward County and the clerk of the circuit court agree; and such other issues as may be agreed to by Broward County and the clerk of the circuit court 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 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, Florida Statutes.

(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. This act shall take effect upon becoming a law.

Approved by the Governor June 9, 2020.

Filed in Office Secretary of State June 9, 2020.