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 pre-
scribed 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.

CODING: Words stricken are deletions; words underlined are additions.
Approved by the Governor June 9, 2020.

Filed in Office Secretary of State June 9, 2020.