

**Charter of
Broward County,
Florida**



Board of County Commissioners

(Revised November 2, 2010)



**Fiscal Year 2016
Board of County Commissioners
Broward County, Florida**

Martin David Kiar
Commissioner, District 1

Mark D. Bogen
Commissioner, District 2

Stacy Ritter
Commissioner, District 3

Chip LaMarca
Commissioner, District 4

Lois Wexler
Commissioner, District 5

Beam Furr
Commissioner, District 6

Tim Ryan
Commissioner, District 7

Barbara Sharief
Commissioner, District 8

Dale V.C. Holness
Commissioner, District 9

Mailing Address for all Commissioners:

Broward County Governmental Center
115 South Andrews Avenue, Room 421
Fort Lauderdale, Florida 33301

Bertha Henry
County Administrator

Joni Armstrong Coffey
County Attorney

Evan A. Lukic
County Auditor

The Charter of Broward County, Florida, has been substantially revised as of November 2, 2010. For detailed information on all amendments, please refer to Appendix A which lists all changes made to the Charter since it went into effect on January 1, 1975.

This is a true and correct copy of the Broward County Charter, as certified on March 14, 2011, by Bertha Henry, County Administrator, in and for Broward County, Florida, and Ex-Officio Clerk of the Board of Broward County Commissioners.

Historical Introduction

On November 5, 1974, the voters of Broward County approved the Broward County Charter. Charter Government went into effect in Broward County on January 1, 1975.

The Charter brought home rule to Broward County, which had become a County by an act of the State Legislature in 1915. For the next 60 years, the County Commission had to look to the State Legislature for approval of local bills effecting change in County government.

On October 3, 1973, the County Commission voted unanimously to conduct a comprehensive study of County government as provided for in the 1968 Florida Constitution. A 15-member Charter Commission worked for nine months, producing the Charter document which was approved by referendum on November 5, 1974, by a vote of 77,889 to 59,898.

In addition to bringing home rule to Broward County, the Charter expanded the County Commission from five to seven members, created a strong administrator form of County government, and established a Countywide land use planning agency.

The Charter also created a Charter Review Commission to study all phases of County government and propose changes in the Charter. Changes may also be proposed by the County Commission and by initiative of the people. Voters must approve all changes.

This Charter contains all the changes in the Broward County Charter which have been approved by the voters through November 2, 2010.

**CHARTER REVIEW COMMISSION MEMBERS
1975 - 2011**

| | | |
|--------------------------|----------------------|---------------------------|
| Chan Abney | Patricia Good | Burnadette Norris-Weeks |
| Karen Coolman Amlong | Jennifer Gottlieb | Frank C. Otis |
| Hugh A. Anderson | Bobbie Grace | George Platt |
| Hazel K. Armbrister | Edward Gross | Regis Reasback |
| Hayward Benson, Jr. | W. Earl Hall | George Richardson, Jr. |
| Jamie Bloodworth | John R. Harrington | Carol (Mrs. Karsten) Rist |
| Clinton Bonner | Kathy C. Harris | Clifton Rodriguez |
| Elliot P. Borkson | Robert E. Huebner | Hazelle Rogers |
| Charles W. Boyd | James L. Jones | Bruce Rogow |
| Kevin P. Boyd | H.K. "Petey" Kaletta | Irving Rosenbaum |
| Richard L. Brown | Mark Ketcham | J. Maxim Ryder |
| Michael Buckner | Genevieve E. Kieley | Herbert Sadkin |
| James Stuart Campbell | Joel Kopeman | Terri Santini |
| Angelo Castillo | Louis R. Kurland | Martin Savitz |
| Anthony Chao | Rosa Lawson | Bernard J. Schinder |
| Pamela Rae Collins | Robert P. Legg | Richard Sierra |
| Marshall J. Cooper | Charles W. Lennon | John Stunson |
| Allan J. Coplin | Daniel Lewis | Jodi Jeffreys Tanner |
| Jean Craft | Bert C. Lichtenstein | Kenneth Raymond Thurston |
| James A. Cummings | Mark Lieberman | G. Wil Trower |
| Maggie Davidson | Tim Locher | Frank Vargas |
| Dorothy N. Davis | John Loos | Sadka Walker |
| Thomas H. DiGiorgio, Jr. | Gilmer A. MacDougald | Ralph Wanzenberg |
| Robert DiGiovanni | Richard Marant | Peter Weinstein |
| Debra Eisinger | Joseph Maus | Richard Jay Weiss |
| David Esack | Ted Mena | Marina Garcia Wood |
| Joel S. Fass | Lori Moseley | Howard Zimmerman |
| Rosalie Fitzpatrick | Michael W. Moskowitz | |

Original Charter Commission

| | |
|--|---------------------|
| Frederick Lippman <i>Chairman</i> | Hamilton C. Forman |
| George L. Caldwell <i>Vice Chairman</i> | Otis B. Geiger |
| Kenneth C. Jenne II <i>Executive Director</i> | David E. Graham |
| Hugh A. Anderson | Stewart R. Kester |
| James Stuart Campbell | Basil M. LaVergne |
| | Loretta Liljestrand |
| | Richard Marant |
| | John H. McGinn |
| | Leonard Robbins |
| | E. Clay Shaw |
| | Dan Sullivan |

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BROWARD COUNTY CHARTER

PREAMBLE

THE CITIZENS OF BROWARD COUNTY, joined together in the belief that County government should be reflective of the people of the County and should serve them in achieving a more responsive and efficient form of local government, which will enhance their civic lives; and, in order to empower the people of this County to make changes in their own government, do hereby avail themselves of an opportunity afforded by the Florida Constitution to adopt this Home Rule Charter, conceived in the interest of cooperation with the Municipalities and other governmental units of this County.

DEFINITIONS

For purposes of this Charter, the following terms shall be defined as follows:

Administrative Branch. The County Administrator, department heads, and their employees.

Administrative Code. The Broward County Administrative Code as amended from time to time.

Agency. A division of the County government established by the County Commission.

Authority. A development or redevelopment authority established by the County Commission.

Board and Committee. Boards and Committees authorized to be established pursuant to this Charter.

Charter. The Home Rule Charter initially adopted on November 5, 1974, as amended from time to time.

Commissioner. An individual member of the County Commission.

Constitutional Officers. The County Sheriff, Property Appraiser, Supervisor of Elections, and Clerk of Court.

County. Broward County, Florida.

County Administrator. The Broward County Administrator.

County Attorney. The Broward County Attorney.

County Code. The Code of Ordinances of Broward County as may be amended from time to time.

County Commission. The Board of County Commissioners, including the Mayor.

District. One of the nine single-member County Commission districts as approved by the County Commission.

Legislative Branch. The Mayor and County Commission.

Municipality. A Florida municipal corporation located within the County.

Officer or Official. Officer or official of the County.

Person. Any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

Public. Citizens, residents, and businesses that reside or transact business in Broward County.

Quorum. Unless stated otherwise, a quorum is a majority of the total membership of the County Commission, Board, Committee, Agency or Authority.

Special District. A local unit of special purpose, as defined in Chapter 189, Florida Statutes, as amended.

ARTICLE I

CREATION OF COUNTY AND POWERS OF GOVERNMENT

Section 1.01 CORPORATE NAME AND BOUNDARIES

- A. A political subdivision is hereby created pursuant to the Florida Constitution and laws of the State of Florida to be known as Broward County.
- B. The County's seat and boundaries shall be those designated by the laws of the State of Florida.

Section 1.02 GENERAL POWERS OF THE COUNTY

- A. Unless provided to the contrary in this Charter, the County shall have all powers of local self-government not inconsistent with the United States Constitution, the Florida Constitution, general law, or with special law approved by vote of the electors and this Charter.
- B. All powers of the County shall be carried into execution as provided by this Charter or, if the Charter makes no provision, as provided by ordinance, resolution of the County Commission, or by the Constitution and laws of the State of Florida.
- C. This Charter hereby establishes the separation between the legislative and administrative functions of the County government.
- D. The County has the authority to accept the transfer of a specific function or obligation upon the request of a Municipality, Special District or Agency.
- E. The County shall use its powers to contribute to and to enhance the civic lives of its citizenry by the provision of design excellence in its facilities and programs and in relation to providing parks and recreation, libraries, arts and culture, and the preservation of historic sites.

Section 1.03 TAXATION FOR COUNTY SERVICES

Property situated within Municipalities shall not be subject to taxation for County services rendered exclusively for the benefit of the property or residents not within Municipalities. Property situated in the County's unincorporated areas shall not be subject to taxation for County services provided exclusively for the benefit of the property or residents within Municipalities.

Section 1.04 CITIZENS' BILL OF RIGHTS

The citizens of the County establish this County government in order to protect and serve the citizens of the County. In order to secure to the County's citizens protection against abuses and encroachments by County government, and to insure all persons fair and equitable treatment, the following rights are guaranteed:

- A. Access to Government - Each Person has the right to transact business with the County with a minimum of personal inconvenience. It is the duty of the County to provide reasonably convenient times and places for transacting business with the County.
- B. Truth in Government - Each Person has the right to truthful and accurate information from Commissioners and County employees. Commissioners and County employees shall not knowingly omit any information or significant facts when disseminating public information.
- C. Public Records - Each Person has a right to access County records. All audits, reports, minutes, documents and other County public records shall be open for public inspection at reasonable times and places.
- D. Right to be Heard - Any Person has the right to appear before the County Commission, a Board, or Committee for the presentation, adjustment or determination of an issue, matter or request within the County's jurisdiction. Matters shall be scheduled for the convenience of the public, and specific portions of each agenda shall provide for designated times so that the public may know when a matter may be heard. The County may establish reasonable procedures relating to public hearings, including limitations on the time members of the public may speak on an issue.
- E. Right to Notice - The County shall provide timely notice to Persons entitled to notice of a hearing before the County Commission, Board, or Committee. The notice shall include the time, place and nature of the scheduled hearing, and the legal authority which forms the basis for the hearing. The County shall provide copies of proposed ordinances and resolutions at a reasonable time prior to the hearing, unless the matter involves the adoption of an emergency ordinance or resolution.
- F. Right to Notice of Decision and Reasons - The County, if requested, shall provide members of the public notice of the County's denial of a Person's request made in connection with any County decision or proceeding. A statement indicating the grounds for denial shall accompany the notice provided by the County.
- G. Right to County Administrator's Report - The public is entitled to a status report, on a periodic basis, from the County Administrator on all major matters which are either still pending or have been concluded.

- H. Right to Public Budget Process - The County Administrator shall annually prepare a budget which illustrates the cost of each County program. Prior to the County Commission's first public hearing on a proposed budget, the County Administrator shall publish a budget summary which sets forth the proposed cost of each individual program, all major proposed increases and decreases in funding and personnel for each County program, the reasons for any increase or decrease, the estimated millage cost of each program, and the amount of any contingency and carryover funds for each program.
- I. Right to a Management Report on the Performance of County government - The public is entitled to have access to a Management Report published by the County Administrator, and made public on a quarterly basis, detailing the performance of the County government offices, divisions and departments. The Management Report shall include, but not be limited to, a report on the receipt and expenditure of County funds by each County office, division and department, and a report of the expected and actual performance of the activities of each County office, division and department.
- J. Right to Prohibit Conflicts of Interest and the Implementation of a Code of Conduct - The County Commission shall enact, by ordinance, a conflict of interest section in the County Code that requires Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities to avoid even the appearance of impropriety in the performance of their duties and responsibilities. The County Commission shall also enact, by ordinance, a Code of Official Conduct that shall apply to Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. In the ordinances enacted pursuant to this sub-section, the County Commission shall provide procedures for the examination of matters related to the conduct of Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. The ordinances enacted pursuant to this sub-section shall also provide procedures for the removal of an employee or individual, other than a Commissioner.
- K. Just and Equitable Taxation - The County shall prevent the imposition of any tax within the County in excess of the limitations imposed by Article VII, Section 9, of the Florida Constitution or by the laws of the State of Florida.
- L. Proper Use of Public Property - The County shall prevent the use of public property or its taxing power for the benefit of private individuals, partnerships or corporations, in violation of the restrictions imposed by Article VII, Section 10, of the Florida Constitution, or by the laws of the State of Florida.
- M. Power of Recall - The public shall have the power to recall any Commissioner in accordance with the laws of the State of Florida.
- N. Protection of Human Rights - The County shall establish provisions, for protection of citizen human rights from discrimination based upon religion, political affiliation, race, color, age, gender, disability, familial status, marital status, or national origin by providing and ensuring equal rights and opportunities for all citizens of the County.
- O. Protection of Consumer Rights - The County shall enact ordinances for protection of citizen consumer rights from unfair trade practices by all Persons.
- P. Sustainable Environment - Broward County shall enact ordinances which protect its citizens' right to a sustainable environment, including clean air and clean water, while encouraging the stewardship of natural resources.

All provisions of this Article shall be construed to be supplementary to and not in conflict with the laws of the State of Florida. If any part of this Article shall be declared invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 1.05 CONSTRUCTION

The powers granted by this Charter shall be construed liberally in favor of the County government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the County, as stated in this Article. For purposes of this Charter, the singular includes the plural and vice versa.

Section 1.06 BROWARD COUNTY COUNTYWIDE AND REGIONALISM POLICY STATEMENT

Broward County government shall be considered a regional governmental entity and, as such, shall develop and implement the County's programs, policies and budget with a regional or countywide focus on issues including, but not limited to, the airport, seaport, transportation, economic development, parks, and libraries; provided however, that nothing contained herein shall prevent the County from delivering services on a less than countywide basis.

ARTICLE II

LEGISLATIVE BRANCH: COUNTY COMMISSION

Section 2.01 COMPOSITION, TERMS, QUALIFICATIONS, AND COMPENSATION OF MEMBERS

The County Commission comprises the Legislative Branch of County government empowered to enact ordinances and resolutions, and to take action that is consistent with this Charter and that is in the best interest of the health, safety, and welfare of the County's citizens.

- A. The County Commission shall be composed of nine (9) members elected from single-member districts.
 - (1) No later than December 31st of the year of publication of each decennial census, the County Commission shall divide the County into nine (9) single-member districts of contiguous territory as nearly as equal in population as practicable, utilizing the most recent decennial census. If, as a result of redistricting, Commissioners no longer reside in the District they were elected to represent, the Commissioners may remain in office, and serve out the balance of their term.
 - (2) Each District shall be assigned a number from one (1) through nine (9). Commissioners from Districts 1, 3, 5, 7, and 9 shall be elected in the 2004 general election for a term of four (4) years. Commissioners from Districts 2, 4, 6, and 8 elected in 2002 shall serve for a term of four (4) years.
 - (3) Only qualified electors residing within each District may vote for the Commissioner representing that District. Each Commissioner must be an elector of the County and must be a resident of the particular District upon election.
- B. Commissioners shall be elected on a partisan basis. The terms of office shall begin on the Tuesday two (2) weeks following the day of the general or special election.
- C. Except as provided in this Section, election of Commissioners shall be as provided in Article VIII, Section 1(e), of the Florida Constitution.
- D. The Commissioners' salaries shall be determined and established in accordance with the general law of the State of Florida pertaining to compensation for Commissioners of non-charter counties. Commissioners shall only be reimbursed for expenses that are specifically approved by the County Commission, and when properly incurred on County business, in conformance with the laws of the State of Florida.
- E. Vacancies on the County Commission shall be defined and filled as provided by the laws of the State of Florida. Other than as a result of redistricting, any Commissioners who cease to reside in the District they represent shall be deemed to have vacated their office.

Section 2.02 TERM LIMITATION FOR COUNTY COMMISSIONER OFFICE

Effective with the terms of the Commissioners that commenced in November 2000, an individual shall not be eligible for election as a Commissioner for more than three consecutive four-year terms. Service as a Commissioner prior to the terms that commenced in November 2000 shall not be considered in applying the term limitations of this Section. Service of a two-year term, or any other partial term subsequent to November 2000, shall not be considered in applying the term limitation provisions of this Section.

Section 2.03 COMMISSION ELECTION OF MAYOR AND VICE-MAYOR

- A. The County Commission shall elect one (1) Commissioner to the position of Mayor by a majority vote. The election of the Mayor shall occur on an annual basis, during the County Commission's annual organizational meeting, which shall take place no earlier than the third Tuesday of each November and no later than the third Tuesday of each December. The County Commission may remove the individual from the position of Mayor by a majority vote. The Mayor may serve consecutive terms.
- B. Following the election of the Mayor, the County Commission shall elect a Commissioner to the position of Vice-Mayor by a majority vote. In the Mayor's absence, the Vice-Mayor shall have all the rights, privileges and duties of the Mayor. The County Commission may remove the individual from the position of Vice-Mayor by a majority vote. The Vice-Mayor may serve consecutive terms.
- C. In the event the position of Mayor shall become vacant for any reason, the Vice-Mayor shall automatically become Mayor and serve as Mayor for the balance of the Mayor's term. The Commission shall elect a new Vice-Mayor who shall serve for the balance of the Mayor's term.
- D. In the event the position of Vice-Mayor shall become vacant for any reason, the Commission shall elect a new Vice-Mayor who shall serve for the balance of the Vice-Mayor's term.

Section 2.04 MAYOR - DUTIES AND RESPONSIBILITIES

The position of Mayor is created in order to provide for an elected County representative who shall serve as the County's official representative and ceremonial dignitary, and who shall provide leadership on issues facing the County.

- A. The Mayor shall be recognized as the head of the County by the Governor for purposes of military law, and for service of process. The Mayor shall act as the County official designated to represent the County in negotiations with respect to agreements with other governmental entities, execute ordinances, resolutions, proclamations, and other legislative documents, and perform such other duties as specified in this Charter and as may be required by the County Commission, or as required by law.
- B. The Mayor shall be entitled to budget for and to employ a staff, subject to approval by a majority of the County Commission.
- C. The Mayor shall present an annual "State of the County" message, setting forth programs and recommendations to the County Commission.
- D. The Mayor shall serve as the Chair of the County Commission and shall call the Board into regular and special session.
- E. The Mayor shall attend all County Commission meetings, has the right to take part in discussions and public hearings, and shall vote on all matters before the County Commission.
- F. The Mayor, or designee, shall approve all items prior to placing the items on the County Commission agenda, other than those items placed on an agenda by a Commissioner or the County Auditor.
- G. When an emergency has placed the citizens of the County in danger of loss of life or property and a regular or special meeting of the County Commission cannot practically be convened, a state of emergency may be declared by the Mayor, in consultation with the County Administrator. The Mayor, or designee, shall implement the provisions of the County's Emergency Management Plan. Nothing in this Section shall be construed to limit the authority of the County Commission to declare, limit, or terminate a state of emergency, and take any action authorized by law, when convened in a regular or special meeting.
- H. In the event the County Commission establishes a Commission Committee to review the County Administrator's nominations for department heads, the Mayor shall preside over the Commission Committee and make appointments to the Commission Committee.

Section 2.05 COUNTY COMMISSION MEETINGS, RULES AND VOTING

- A. The County Commission shall meet regularly at such times and places as the County Commission may prescribe by rule. Special meetings may be held on the call of the Mayor or a majority of the members of the County Commission upon no less than twelve (12) hours' notice to each member, except in the event of an emergency.
- B. The County Commission shall determine its own rules and order of business.
- C. A Commissioner may place an item on the County Commission agenda for any meeting according to the rules adopted by the County Commission.
- D. The vote of each Commissioner shall be recorded in the minutes.
- E. Voting Conflicts.
 - (1) Any County Commissioner who will be required to recuse oneself from voting on a matter to be considered by the County Commission or who recuses oneself from voting on a matter being considered by the County Commission due to a voting conflict, pursuant to Chapter 112, Florida Statutes, as amended from time to time, shall leave the Commission chamber prior to debate and not communicate or participate in any discussion relating to that matter.
 - (2) Any County Commissioner who recuses oneself from voting on a matter being considered by the County Commission due to the appearance of a voting conflict, pursuant to Chapter 286, Florida Statutes, as amended from time to time, or for any reason not otherwise provided for herein, shall disclose the conflict prior to debate, and may remain on the dais and participate in the discussion relating to that matter.

Section 2.06 CHARTER AMENDMENT AND REVISIONS BY COUNTY COMMISSION

The County Commission shall have the authority to propose amendments and revisions to this Charter, subject to referendum of the general electorate, by a vote of one (1) more than that which would constitute a majority vote of the entire County Commission.

Section 2.07 NON-INTERFERENCE IN COUNTY ADMINISTRATION

Except for the purpose of formal inquiries and investigations, the County Commission and its members shall deal with County officers and employees who are subject to the direction and supervision of the County Administrator solely through the County Administrator, and neither the Commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the Commission from closely scrutinizing, by question and personal observation, all aspects of County government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the Commission. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the ordinary operations of the County, and that recommendations for change or improvement in County government operations be made through the County Administrator.

Section 2.08 COMMISSION COMMITTEES

- A. The County Commission is authorized to establish committees, "Commission Committees," for the purpose of exercising authority as delegated by the County Commission and/or performing oversight of County programmatic areas.
- B. The County Commission may establish the Commission Committees by a vote of one (1) more than that which would constitute a majority vote of the full County Commission. The Commission Committees shall be comprised solely of Commissioners whom the Mayor shall nominate to the respective Commission Committee subject to the approval of the County Commission.
- C. Once established, a Commission Committee may exercise its authority as delegated by the County Commission, and issue a report to the County Commission.
- D. Matters approved by the Commission Committee, that are intended to legally bind the County, shall be recommended by the Commission Committee to the County Commission for approval.

Section 2.09 BOARDS

- A. The County Commission may create by ordinance and by resolution Boards, Committees, Authorities, and Agencies as required or permitted by law.
- B. The ordinances and resolutions creating the Boards, Committees, Authorities, and Agencies shall provide for the qualification of members, the method of appointment of members, and the duties, responsibilities, and authority of each Board, Committee, Authority, and Agency.
- C. The Boards, Committees, Authorities, and Agencies established by this Charter shall adopt rules and procedures, including rules and procedures regarding attendance and removal of members due to absenteeism.
- D. Members of Boards, Committees, Authorities, and Agencies shall serve without compensation except for the payment of necessary expenses approved by the County Commission.
- E. All Boards, Committees, Authorities, and Agencies shall be part of the County government and shall utilize County employees for administrative functions, and the Office of the County Attorney for legal functions unless otherwise stated in this Charter.
- F. The County Commission shall adopt procedures to provide for the review of the performance of all Boards, Committees, Authorities and Agencies at least once every four (4) years. As part of its review of the respective Board, Committee, Authority or Agency, the County Commission shall determine, by resolution, that the applicable Board, Committee, Authority, or Agency is needed to serve the public interest, and the cost of its existence to the citizens and taxpayers is justified. The review provision shall not apply to any Board, Committee, Authority, or Agency established by this Charter.

Section 2.10 OFFICE OF THE COUNTY ATTORNEY

- A. There shall be an Office of the County Attorney. The County Attorney shall be appointed by the County Commission, and may be removed by the County Commission.
- B. The County Attorney shall be the chief legal counsel to the County and direct and supervise the County Attorney's Office. The County Attorney shall represent the County, the County Commission, the County Administrator, the department heads, all departments and divisions of the County, all Boards, Committees, Agencies, and Authorities in all legal matters affecting the County, unless otherwise provided for in the Charter or by ordinance. Upon request, the County Attorney may represent the Constitutional Officers.
- C. The County Attorney may appoint assistant attorneys. The County Attorney may appoint special counsel, as may be required, upon approval of the County Commission.
- D. The County Attorney and all assistant attorneys shall be licensed to practice law in the State of Florida.
- E. The County Attorney shall keep the County Commission advised on pending litigation matters on a periodic basis.
- F. The County Commission shall include in the general fund of its annual budget for each fiscal year such sum as is necessary for the County Attorney to carry out its duties.

Section 2.11 ANNUAL AUDIT

The County Commission shall provide for an annual independent opinion audit of the accounts and other evidence of financial transactions of the County and of every County department, office and agency. The audit shall be made by a Certified Public Accountant designated by the County Commission who has no personal interest, either direct or indirect, in the fiscal affairs of the County or of any of its departments, offices or agencies. The contract administrator for the independent annual audit shall be the County Auditor. The designated accountant shall be qualified by training and experience to perform the audit. If the State of Florida Auditor General performs such an audit, the County Commission may accept it as satisfying the requirements of this Section.

Section 2.12 HANDGUN MANAGEMENT

The County Commission may adopt a countywide ordinance relating to Handgun Management which may provide for law enforcement authorities to make criminal history checks for handgun purchasers prior to the delivery of a handgun not to exceed ten (10) days, exclusive of Saturdays, Sundays, and Holidays, and to provide standards for transfers of handguns and licensing of handgun dealers. A County ordinance shall also prevail over a Municipal ordinance in matters relating to Handgun Management within the parameters set forth in this Section.

Section 2.13 RECORDING, PRINTING AND CODIFICATION

The County Commission shall provide for the authentication and recording, in a properly indexed book, of all minutes of meetings, ordinances and resolutions adopted by the County Commission. The indexed book, and its contents, shall be a public record. The County Commission shall further maintain a codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.

Section 2.14 UTILITIES

The County Commission shall have all authority, powers and duties that the County Commission had prior to the effective date of this Charter in the area of public utilities relating to water, sewage, solid waste, liquid waste, electricity, natural and manufactured gas, cable television and other proper public utilities. The various Municipalities of the County shall also have all rights, powers and functions in the area of public utilities.

Section 2.15 OUTSTANDING BONDS

All outstanding bonds issued by the County Commission and all special districts or authorities abolished or altered by the Charter are obligations of the County government. However, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not become effective.

Section 2.16 ENFORCEMENT AND PENALTIES

Violation of any of the provisions of Section 2.05 E or Section 2.07 may constitute grounds for reprimand, pursuant to the applicable statutory and constitutional provisions. Abuses that are also a violation of Chapter 112, Florida Statutes, as amended from time to time, may result in the filing of an ethics complaint with the Florida Ethics Commission. Any elected public officer who violates Section 2.05 E or Section 2.07, or otherwise engages in misfeasance, malfeasance or abuse of his or her position shall also be subject to censure by a supermajority vote of the County Commission.

ARTICLE III

ADMINISTRATIVE BRANCH: COUNTY ADMINISTRATOR AND ADMINISTRATION

Section 3.01 ESTABLISHMENT OF ADMINISTRATIVE BRANCH: COMPOSITION

The Administrative Branch of County government is hereby created. The County Administrator is authorized by the actions of the County Commission and this Charter to implement the policies and decisions of the County Commission in a manner that is consistent with this Charter and is in the best interest of the health, safety, and welfare of the County's citizens. The Administrative Branch shall be composed of the County Administrator and the employees of the administrative departments.

Section 3.02 COUNTY ADMINISTRATOR: QUALIFICATIONS, ABSENCES AND DISABILITIES, AND REMOVAL

The County Commission shall appoint the County Administrator by a vote of one (1) more than that which would constitute a majority vote of the full County Commission. The County Commission may dismiss the County Administrator by a majority of the full County Commission.

- A. Qualifications: The County Administrator shall be chosen based upon a job description to be prepared by the County Commission.
- B. Absences, or disabilities: The County Administrator may designate, in writing, a qualified County employee to exercise the powers and perform the duties of the County Administrator during the County Administrator's temporary absence or disability. If the County Administrator fails to make such a designation, or if there is a vacancy in the office of the County Administrator, the County Commission shall designate, by resolution, a qualified County employee to perform the County Administrator's duties during the County Administrator's term of absence, disability, or suspension.

Section 3.03

POWERS, FUNCTIONS AND DUTIES OF THE COUNTY ADMINISTRATOR

- A. The County Administrator shall be responsible to the County Commission for the proper administration of County matters as required by the Charter, and shall insure that all ordinances, resolutions, orders and actions of the County Commission are faithfully executed. The County Administrator shall direct and supervise the daily administration and functions of the County's departments, divisions, offices and agencies, in conformance with this Charter, County ordinances, resolutions, the Florida Constitution, and the laws of the State of Florida.
- B. The County Administrator is authorized to appoint and may suspend or remove County employees. The County Administrator may authorize any department head to appoint, suspend or remove subordinates in that department head's department, division, office or agency. The County Administrator shall have the power to nominate all department heads and the nominations must be approved by a majority vote of the Commission. The right to suspend, remove or discharge any department head is reserved to the County Administrator.
- C. The County Administrator, following County Commission approval, is authorized to execute all non-legislative documents on behalf of the County Commission including contracts, deeds, grant applications, satisfactions, and releases when the signature by the County Administrator is not inconsistent with the laws of the State of Florida.
- D. The County Administrator shall prepare and submit the annual budget and capital program to the County Commission, and execute the annual budget in accordance with appropriations and ordinances that the County Commission adopts.
- E. The County Administrator shall regularly examine the accounts, records and operations of every County department, division, office or agency. The County Administrator shall make regular reports to the County Commission on the County's financial condition, administrative matters, and other issues of concern to the County and the County Administrator shall advise the County Commission on the financial condition and future needs of the County, and make recommendations on County matters to the County Commission.
- F. The County Administrator shall submit to the County Commission, at the end of the fiscal year, a complete report on the finances and administrative activities of the County for the preceding year. The County Administrator shall prepare, and make available for distribution to the public, within three (3) months after the end of each fiscal year, an annual report on County matters during that fiscal year.
- G. All functioning duties now prescribed by the Constitution and laws of the State of Florida for the office of the Clerk of the Circuit Court or County Comptroller, which relate to their duties as the ex-officio Clerk of the County Commission, are hereby transferred to the County Administrator or the County Administrator's designee. Pursuant to direction by the County Commission, the County Administrator shall:
 - (1) Give due notice of the time and place of County Commission meetings to the Mayor, Commissioners, and the public.
 - (2) Keep the minutes of County Commission proceedings.
 - (3) Provide for the County Commission any required publication of notices, ordinances or resolutions or Charter amendments.
 - (4) Maintain and make available for public inspection copies of the County Code, the Administrative Code, this Charter, every adopted ordinance, resolution, rule, regulation, and code of regulations, and every adopted amendment of any of the foregoing.
 - (5) Perform such other duties as the Mayor or County Commission may prescribe.

Section 3.04

ADMINISTRATIVE CODE

- A. The County Commission shall review and adopt the Administrative Code, and any amendments. Prior to adoption of any amendments to the Administrative Code, a public hearing shall be held concerning the adoption of the proposed amendment. Notice of the public hearing shall be provided no later than five (5) calendar days prior to the meeting at which the County Commission is scheduled to consider the proposed amendment.
- B. Except as otherwise provided for in this Charter, the County Administrator shall submit any changes in any or all department organizations, including combinations, deletions and creations of departments or divisions and transfer of responsibility between departments and divisions to the County Commission for review, amendment and/or adoption. Additionally, the County Administrator shall provide no less than once per year an organizational chart outlining the current structure of the County government.
- C. The Administrative Code shall include the rules and regulations for a personnel system which shall include a salary schedule, provisions for vacations, sick leaves, insurance benefits and other benefits for all persons in accordance with the provisions of this Charter; formulate a procedure whereby an employee will have an opportunity to be heard upon his or her request pending discharge, suspension or any designated disciplinary action; and provide for such other duties as are necessary for an efficient personnel system consistent with the laws of the State of Florida and federal law.

- D. The County Commission shall provide in the Administrative Code for the County Administrator to direct and supervise the actions of County departments, divisions, offices, and agencies.
- E. The Administrative Code shall provide for operational services related to the operation of County government including, but not limited to, personnel, purchasing, data processing, vehicle operations and maintenance, records, building and maintenance services, and other services as determined by the County Commission.

Section 3.05 ADMINISTRATIVE ORGANIZATION

Each department, division, office or agency shall be administered by a director appointed by and subject to the direction and supervision of the County Administrator. The County Administrator may serve as the head of one (1) or more departments, divisions, offices or agencies, and may appoint one (1) person as the director of two (2) or more departments, divisions, offices or agencies.

Section 3.06 DEPARTMENT OF FINANCE AND ADMINISTRATIVE SERVICES; BUDGET SYSTEM

- A. There shall be a Department of Finance and Administrative Services that shall be responsible for the administration of all financial matters related to County government. The Office of Tax Collector is hereby abolished, and all functions and duties of that office are hereby transferred to the Department of Finance and Administrative Services.
- B. Unless otherwise provided for in this Charter, all fiscal functions and duties now prescribed by the Constitution and the laws of the State of Florida for the office of Clerk of the Circuit Court and County Comptroller which relate to their duties as the custodian of all County funds, auditor and recordation of public documents shall be the responsibility of the Department of Finance and Administrative Services.
- C. The Department of Finance and Administrative Services shall assist the appropriate County officer or officers in the preparation and execution of the County budget and capital program, and perform such other duties as may be prescribed by the County Code and the Administrative Code.
- D. All County departments, offices, agencies and boards shall operate under a unified and uniform budget system. County officers and employees shall not be compensated through the collection of fees, unless required by the laws of the State of Florida. All fees collected by any County office, Agency, Board, or Committee shall be deposited in the County treasury.

Section 3.07 OPERATIONAL SERVICES PROVIDED BY THE COUNTY

- A. The operational services shall be provided to all departments, divisions, offices, and agencies of County government, and all such departments, divisions, offices, and agencies shall be required to use said services.
- B. In an effort to improve the cost effectiveness of County government, all operational services shall be made available to the Constitutional Officers. The advantages to providing operational services, individually or in tandem, with the Constitutional Officers should be explored and utilized when appropriate.
- C. The extension of operational services to Municipalities and the standardization in the sharing of these resources between the County and Municipalities should be explored and utilized when appropriate. Interlocal agreements between the County and Municipalities should be used to provide for the coordination of these services.

Section 3.08 DEPARTMENT OF TRANSPORTATION

Given the importance of transportation services, the responsibilities for County transportation services shall be integrated and afforded a highly visible and prominent position within the organization of County Administration to include an Office of Transportation or a Department of Transportation.

Section 3.09 PROTECTION OF WHISTLEBLOWERS

Protection of Whistleblowers: The County Commission shall establish protections for all County employees and appointees who report violations of any local, state, or federal law or regulation, or policy or procedure with respect to an alleged abuse of authority, misuse of public funds, or the existence of a danger to the public health, safety, or welfare. The County Commission shall also establish a prohibition on any retaliatory conduct against anyone who acts as a whistleblower and reports a violation. Procedures related to the reporting of violations shall be contained in the Administrative Code. The procedures shall insure that the County Commission shall designate a person to receive and evaluate the alleged violations diligently, independently and confidentially.

ARTICLE IV

COUNTY AUDITOR

Section 4.01

COUNTY AUDITOR

- A. Effective January 1, 2003, there shall be an independent board comprised of the following individuals who shall nominate an individual to the position of County Auditor, subject to ratification by a majority of the County Commission on or before July 1, 2003:
- (1) State of Florida Auditor General, or designee;
 - (2) President of the Broward County League of Cities, or designee;
 - (3) President of the Broward County Bar Association, or designee;
 - (4) President of Broward Community College, or designee; and
 - (5) An individual representative from a countywide business organization, which organization is selected by the County Commission.
- In the event the State of Florida Auditor General declines to appoint a member to the independent board, an additional individual representative shall be appointed from a countywide business organization, which organization is selected by the County Commission.
- B. The individual appointed to the position of County Auditor shall be a person who holds and maintains an active Florida license to practice public accounting pursuant to Chapter 473, Florida Statutes, as may be amended from time to time, and shall have sufficient experience in governmental accounting and auditing practices.
- C. The County Auditor shall serve for a period of five (5) years from the date of ratification by a majority of the full County Commission. The County Commission may remove the individual serving as the County Auditor by an affirmative vote of one (1) more than that which would constitute a majority vote of the full County Commission.
- D. If the County Auditor's position shall become vacant, the County Commission shall appoint, by a majority vote, an Interim County Auditor. The appointment of the Interim County Auditor shall not be authorized for more than ninety (90) days. During the ninety (90) day period, the independent board established in this Article shall meet in order to nominate a new individual to the position of County Auditor, subject to the County Commission's ratification.
- E. The County Auditor shall follow government auditing standards, and shall be responsible for the internal audit functions of the County, and shall review business practices, procedures, internal controls, and procurement practices which are used, employed, and promulgated by the County government. The County Auditor shall also be responsible for the performance of such other duties assigned by the County Commission. To the degree necessary to fulfill the responsibilities of the office, the auditor shall have the power and authority to:
- (1) Conduct financial and compliance, economy and efficiency, and performance audits of County government and County officials with written reports submitted to both the County Commission and the County Administrator.
 - (2) Have free and unrestricted access to County government employees, officials, records, and reports; and where appropriate, require all branches, departments, and officials of County government to provide oral and written reports and to produce documents, files, and other records.
- F. The County Auditor shall review any matter related to County business upon the request of a Commissioner.
- G. The County Auditor may provide a written report/opinion on any transaction or business practice relating to County government.
- H. The County Auditor has the authority to remove, for further review and evaluation, an item from any County Commission agenda for a "cooling off period" of no more than thirty (30) days from the date of the scheduled County Commission meeting at which the County Commission was scheduled to consider the item. The item must relate to a transaction in which the County will either expend or receive funds, property, goods, or services. The County Commission may override the County Auditor's decision to remove an item from the County Commission agenda by a vote of one (1) more than that which would constitute a majority vote of the full County Commission. The County Auditor may only exercise the right to remove such an item from the County Commission agenda for one thirty (30) day period.
- I. The County Auditor shall serve as a resource for County government.
- J. The County Auditor shall employ such other administrative, professional, expert and clerical assistants as is necessary to carry out the County Auditor's required duties.
- K. The County Commission shall include in the general fund of its annual budget for each fiscal year such sum as is necessary to carry out the County Auditor's duties.

ARTICLE V

PUBLIC SAFETY

Section 5.01 LAW ENFORCEMENT

- A. The County Commission may expend from the general treasury funds necessary to finance the facilities and personnel to create regional or countywide law enforcement groups to share in a cooperative law enforcement effort.
- B. The County Commission may expend funds from the general treasury to create, maintain and operate a centralized criminal record system that would be a cooperative effort with the Municipalities. The duties of operation and maintenance of this office should be an obligation of the Broward County Sheriff.
- C. It shall be the duty of the County Commission to provide for methods of funding for law enforcement services by the Broward County Sheriff in the unincorporated areas of the County and other areas not otherwise protected.
- D. When authorized by general law, the County Commission may supplement the appropriations made by the State of Florida to the Office of the State Attorney of the Judicial Circuit serving the County for salaries and equipment that are related to the Office of the State Attorney.
- E. Any law enforcement agency which is subject to County government shall enter into interlocal agreements as authorized by law in order to best utilize the law enforcement resources available within both the incorporated and unincorporated areas of the County.

Section 5.02 FIRE PROTECTION

- A. There shall be a system of fire protection and emergency medical service established to serve the entire area of the County not protected by Municipal fire departments or other similar type of service.
- B. The County Commission shall charter fire departments in the unincorporated areas of the County. It shall further be the duty of the County Commission to provide for the methods of funding for fire departments in the unincorporated areas of the County and areas not otherwise protected.

Section 5.03 BROWARD COUNTY FIRE-RESCUE COUNCIL

- A. The County Commission with cooperation from Municipalities shall establish a countywide communications infrastructure for fire and emergency medical services. The County shall provide funding for the communications infrastructure and all service providers will utilize the elements of the communications infrastructure. The communications infrastructure shall facilitate closest unit response for life-threatening emergencies and support for regional specialty teams.
- B. There shall be established a Broward County Fire-Rescue Council that will be advisory and shall facilitate the coordination between the County and the Municipalities in carrying out the intent of Section 5.03(A). The Broward County Fire-Rescue Council shall be comprised of nine (9) members appointed as follows:
 - (1) One (1) member shall be appointed by the Broward County Commission.
 - (2) One (1) member shall be appointed by the Broward County League of Cities who is its Chair or Vice Chair.
 - (3) One (1) member shall be appointed by the Broward County League of Cities who is a current elected Municipal official.
 - (4) One (1) member shall be appointed by the Broward County League of Cities who is a current city manager.
 - (5) One (1) member shall be appointed by the Broward County Council of Professional Fire-Fighters.
 - (6) One (1) member shall be appointed by the Broward County Fire Chiefs' Association.
 - (7) One (1) member shall be appointed by the Broward County Medical Association.
 - (8) One (1) member shall be appointed by the Sheriff of Broward County.
 - (9) One (1) member shall be appointed by the Director of the Broward County Trauma Management Agency.Such members shall be members or employees of the applicable appointing organization.
- C. The term of each member shall be two (2) years from the date of appointment.
- D. The Council shall issue recommendations from time to time and an annual report to the County Commission and Municipalities.

ARTICLE VI

CHARTER REVIEW COMMISSION

The Charter Review Commission is created for the purpose of conducting a comprehensive study of any or all phases of County government in conformance with this Article.

Section 6.01 CHARTER REVIEW COMMISSION

- A. There shall be a Charter Review Commission appointed by the County Commission on the first Tuesday in June of 2015 and every ten (10) years thereafter.
- B. The Charter Review Commission shall consist of nineteen (19) members. Each Commissioner shall nominate two (2) members who reside in the Commissioner's District, and the County Commission shall appoint one (1) "at large" member. All nominations shall be subject to confirmation by a majority vote of the County Commission.
- C. The term of each member of the Charter Review Commission shall expire the day after the general election held after the first Monday in November two (2) years after the year in which said members were appointed. Any vacancy shall be filled by the County Commission in the same manner as the original appointment was made, for the remainder of the member's unexpired term.
- D. All members of the Charter Review Commission shall be electors of the County. Florida Legislators, County Commissioners, Constitutional Officers, the County Administrator, and County Employees may not serve on the Charter Review Commission.
- E. The County shall maintain copies of all written, recorded, and electronic records of the Charter Review Commission in conformance with the laws of the State of Florida as may be amended. Additionally, a compendium of the relevant documents as determined by the Charter Review Commission's Executive Director and Legal Counsel shall be maintained in perpetuity.

Section 6.02 POWER OF THE CHARTER REVIEW COMMISSION

- A. The Charter Review Commission shall hold a minimum of two (2) public hearings. By a vote of two-thirds (2/3) of the members of the full Charter Review Commission legally eligible to vote, the Charter Review Commission may submit a proposal to amend or revise the Charter to the County Commission.
- B. The Charter Review Commission must submit to the County Commission any proposed Charter amendments or revisions with associated ballot language no later than the first Tuesday in June of the year in which the term of the Charter Review Commission expires.
- C. The County Commission shall place the Charter Review Commission's proposed amendments and/or revisions with the associated ballot language approved by the Charter Review Commission on the general election ballot at the next general election.
- D. In exercising its powers, the Charter Review Commission shall perform the following:
 - (1) Elect a Chair and a Vice-Chair;
 - (2) Adopt such internal procedures and rules as may be necessary to carry out its duties;
 - (3) Employ legal counsel as may be necessary to carry out its duties; and
 - (4) Employ an Executive Director and such other administrative, professional, expert and clerical assistants as is necessary to carry out the duties.
- E. The County Commission shall include in its general budget for each fiscal year that the Charter Review Commission is in existence, such sums as are necessary to carry out the duties of the Charter Review Commission.

ARTICLE VII

INITIATIVE AND REFERENDUM

Section 7.01 POWERS OF INITIATIVE AND REFERENDUM

- A. The power to propose amendments to any section of this Charter, or to propose the repeal, amendment or enactment of any County ordinance by initiative is reserved to the people of this County.
- B. This power may be invoked by filing with the County Administrator, or other individual designated by the County Commission, the petition form to be used, which shall contain the proposed initiative in full as well as a brief description, in plain language, summarizing the proposed Charter amendment, proposed ordinance, ordinance amendment, or ordinance repealer. Along with the petition form, the individual filing the petition ("Petitioner") shall provide an affidavit stating his/her name and address and specifying the name and address to which the County should send all notices regarding the petition.

- C. Promptly after the petition form is filed, the County Administrator, or other individual designated by the County Commission, shall submit the petition and the affidavit to the County Attorney for review to insure that the petition conforms with the petition form requirements as established in an ordinance adopted by the County Commission.
- (1) If the County Attorney determines the petition to be sufficient as to form, the County Attorney shall, no later than ten (10) business days following receipt of the petition, advise the County Administrator, or other designated individual, of the sufficiency of the petition. The County Administrator shall then advise the Petitioner in writing that the petition is sufficient as to form.
 - (2) If the County Attorney determines the petition to be insufficient as to form, the County Attorney shall, within ten (10) business days of the receipt of the petition, provide the County Administrator with a written explanation of the petition's deficiencies. The County Administrator, or other designated individual, shall then transmit the written explanation of the petition's deficiencies to the Petitioner.
 - (3) The Petitioner may then redraft the petition, re-commence the proceedings, and file the petition with the County Administrator in accordance with this Section.
- D. Submission of signed petitions.
- (1) Prior to the expiration of one hundred and eighty (180) days from the date which the County Administrator notifies the Petitioner that the petition is sufficient as to form, the Petitioner shall submit signed and dated petition forms to the County Administrator.
 - (2) All papers related to a petition shall be assembled as one (1) instrument for filing. Each signature included on a petition form shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain on each page, the full text of the Charter amendment, proposed ordinance, ordinance amendment, or ordinance repealer, as well as a brief description summarizing the proposed Charter amendment, proposed ordinance, ordinance amendment, or ordinance repealer.
 - (3) Upon filing of the petition, each page of the petition that contains one (1) or more signatures shall have an affidavit executed by the circulator attached to it. The affidavit shall state the name of the circulator, that he/she personally circulated the page, the number of signatures on the page, that all the signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity to read the full text of the ordinance or charter amendment before signing the petition.
 - (4) Petitions must be signed by registered voters of the County equal in number to no less than seven percent (7%) of the total number of registered voters in the County at the time of the last general election in order to invoke the power of initiative and referendum.
- E. Procedure for filing.
- (1) No later than thirty (30) days after the petition is filed, the County Administrator, or other individual designated by the County Commission, shall complete a certificate of sufficiency ("Certificate"). The Certificate shall specify, if it is insufficient, the reasons why the petition is defective. The County Administrator, or other individual designated by the County Commission, shall promptly send a copy of the Certificate to the Petitioner by certified mail, return receipt requested. If a petition is certified sufficient, or if a petition is certified insufficient, the County Administrator or other individual designated by the County Commission shall promptly present the Certificate to the County Commission, and such Certificate shall then be a final determination as to the sufficiency of the petition.
 - (2) In determining the sufficiency of any petition, no more than twenty-five percent (25%) of the valid signatures required shall come from voters registered in any single County Commission District.
 - (3) In the event sufficient signatures are not acquired during the initiative petition period, the initiative petition shall be rendered null and void, and none of the signatures may be carried over onto another identical or similar initiative petition.
- F. Upon the issuance of the Certificate by the County Administrator, or other individual as designated by the County Commission, it shall be the duty of the Supervisor of Elections to determine the validity of said petition no later than thirty (30) days following receipt of the Certificate from the County Administrator, and to report such determination in writing to the County Commission. It shall be the duty of all County officers and departments to assist and cooperate with the County Administrator, other appointed County employees, and the Supervisor of Elections in determining the validity of the petition.
- G. Should the Supervisor of Elections determine that the petition is valid, it shall be the duty of the County Commission to call a special referendum election in accordance with the petition to be held either:
- (1) At the next scheduled county-wide election which occurs at least ninety (90) days after the Supervisor of Elections issues a determination as to the validity of the petition, or

- (2) If the petition contains the valid signatures of voters in the County in numbers at least equal to ten percent (10%) of the registered voters in the County at the date of the last general election, the election shall take place at least ninety (90) days and no later than one hundred twenty (120) days after the date the Supervisor of Elections issues a determination as to the validity of the petition, preferably in an election already scheduled for other purposes, otherwise in a special election.
- H. The referendum shall be called and held in accordance with the requirements of the laws of the State of Florida pertaining to the holding of special elections.
- I. If the matter submitted to referendum is approved by a majority vote of the electors voting in said referendum, the concerned Charter amendment, ordinance enactment, ordinance amendment or ordinance repealer shall become effective immediately upon the filing of the report of the Canvassing Board with the Florida Department of State.
- J. The initiative power shall not extend to the proposing of any part or all of the annual budget or capital program or fixing ordinance making or repealing any appropriation of money fixing the salaries of County officers or employees or authorizing or repealing the levy of taxes.

ARTICLE VIII

LAND USE PLANNING

Section 8.01 BROWARD COUNTY PLANNING COUNCIL

There shall be a Broward County Planning Council, referred to as the "Planning Council."

Section 8.02 COMPOSITION OF BROWARD COUNTY PLANNING COUNCIL

The membership of the Planning Council shall be appointed as follows:

- A. One (1) member shall be a Commissioner nominated by the Mayor, and approved by a majority vote of the County Commission to represent it for a time specified by the County Commission.
- B. One (1) member shall be a member of the Broward County School Board ("School Board"), selected by a majority vote of the School Board to represent it on the Planning Council for a time period specified by the School Board not to exceed four (4) years. In the event the School Board fails to designate a member within sixty (60) days of the Planning Council's notice that the position is vacant, the County Commission shall appoint a School Board member willing to accept such appointment.
- C. Each Commissioner shall nominate two (2) individuals to serve on the Planning Council, subject to approval by a majority vote of the County Commission. With respect to each Commissioner's appointments, one (1) appointee shall be an elected municipal official of a Municipality within the Commissioner's District, and one (1) appointee shall be an elector not holding an elected public office who resides in the Commissioner's District. If no qualified elected Municipal official is willing to accept such appointment, then the seat will be filled by an elector from the district who is not an elected public official.
- D. Except for the County Commission or School Board members, no more than two (2) members of the Planning Council shall reside within the same Municipality, provided that no Municipality with a population of less than 50,000, according to the last decennial census, shall have more than one (1) representative as a member on the Planning Council.
- E. A quorum necessary to conduct Planning Council business shall consist of a majority of Planning Council members. A majority of those members voting on a measure shall be necessary for the Planning Council to take affirmative action on any matter.

Section 8.03 VACANCIES

- A. If a member of the Planning Council is an elected Municipal official and ceases to be an elected Municipal official, the individual's membership on the Planning Council shall terminate, and the position shall be declared vacant. Members of the Planning Council who no longer satisfy the residency requirements of their position shall cease to be members of the Planning Council, and their positions will be declared vacant. Other circumstances creating a vacancy may be defined by ordinance, and those vacancies shall be filled by the County Commission or School Board. Any membership vacancy on the Planning Council shall be filled pursuant to the procedures contained in this Article.
- B. If a conflict should occur due to a change of Municipal boundaries so that greater representation than provided in this Section occurs, all affected seats shall be considered vacant, and the County Commission shall reappoint members to the Planning Council pursuant to the procedures contained in this Article.

Section 8.04 TERMS OF OFFICE

Except as otherwise provided, the term of each appointed Planning Council member shall coincide with the term of the Commissioner who nominated the individual to the Planning Council. The term of each appointed Planning Council member shall continue until a successor is duly appointed by the County Commission.

Section 8.05 POWERS AND FUNCTION

- A. The Planning Council shall employ an Executive Director and such other administrative, professional, expert and clerical assistants as is necessary to carry out the duties authorized by this Charter.
- B. Any local governmental entity may request, and the Planning Council may furnish, any technical and staff assistance to the local governmental entity. The local governmental entity shall reimburse the County for the Planning Council's direct costs.
- C. The Planning Council shall adopt, and amend from time to time, a uniform countywide general zoning glossary of terms in consultation with other governmental entities. Other governmental entities within the County may specify specific prohibited or permitted uses or various other restrictions as may be deemed necessary to be in the best interest of the governmental entity.
- D. A governmental entity shall submit to the Planning Council its land use plan, or amendments thereto, for review. No later than sixty (60) days from the date of submission, the Planning Council shall hold a public hearing to consider that plan for inclusion in the County Land Use Plan and/or certification. The Planning Council shall take into consideration such factors as: professional service employed, consideration given to utilities and adjoining areas with regard to impact on roads and general environmental quality, sufficient notice to surrounding areas and proper opportunity for the public to review and comment on the proposed Plan. The Planning Council may, at this hearing or a subsequent regular meeting, by a simple majority of its membership, adopt or reject such inclusion and/or certification of, or amendment to, such governmental land use plan. The Planning Council shall state its reasons for rejection, alterations or modifications in writing to the affected governmental entity. The Planning Council may propose amendments to the County Land Use Plan at any time after consideration at two (2) public hearings.
- E. In the event that a plan prepared and adopted by a governmental entity is determined upon review, analysis and determination by the Planning Council to be rejected, in accordance with Section 8.05 D, such reasons for rejection shall also be in writing. If the governmental entity's plan is in substantial conformity with the County Land Use Plan, it shall be deemed certified. Until such time as the governmental entity's plan is in substantial conformity with the County Land Use Plan, as interpreted by the Planning Council, the County Land Use Plan will be the effective plan for the governmental entity involved. If a governmental entity fails to submit a plan in due course, then the County Land Use Plan will be effective.
- F. The Planning Council shall make such rules and regulations covering certification, appeals, amendments to the County Land Use Plan, and all other pertinent matters. The Planning Council shall also adopt such reasonable rules of procedure to govern the conduct of its meetings and the performance of its duties.
- G. Zoning as to permitted uses and densities within the boundaries of a governmental entity shall comply with the County Land Use Plan as adopted, and as may be amended, from time to time, and the governmental entity's own land use plan as certified according to this Section. A governmental entity may adopt more restrictive zoning as to permitted uses and densities than those provided for in the County Land Use Plan or the plan certified by the Planning Council.
- H. The Planning Council shall serve as the Local Planning Agency for the County Land Use Plan.
- I. The Planning Council shall maintain the County Trafficways Plan.
- J. The Planning Council shall perform such other responsibilities as the County Commission shall assign or as required by this Charter.

Section 8.06 VESTED RIGHTS

- A. If a person, firm or corporation has, by its own actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to its interests, then nothing in this Charter authorizes any governmental agency to abridge those rights.
- B. A governmental agency shall not adopt a rule or regulation or issue any order that is unduly restrictive or constitutes a taking of property without the payment of full compensation, in violation of the Constitution of the State of Florida or of the United States.

Section 8.07 GIFTS AND GRANTS

The Planning Council may contract and may accept gifts, grants, and/or assistance from Federal, State or local governmental units or agencies for the conduct of its work and the realization of its objectives, provided that no condition or limitation be attached, such as gifts, grants, aid or assistance inconsistent with provisions of this Act. All funds shall be deposited in the County's General Fund.

Section 8.08 FUNDING OBLIGATION OF COUNTY COMMISSION

The County Commission shall include in the general fund of its annual budget for each fiscal year such sum as is necessary to carry out the duties prescribed in this Article.

Section 8.09 IMPLEMENTATION

In order to amend the County Land Use Plan, the County Commission shall adopt an ordinance by no less than a majority of the total membership of the County Commission.

Section 8.10 UNINCORPORATED AREAS

When a Municipality annexes an unincorporated area which was included in the County plan, then the annexed area shall be included within the comprehensive land use plan of the annexing Municipality and an amendment to the Municipality's comprehensive land use plan shall be submitted to the Planning Council for approval.

Section 8.11 PLAT ORDINANCE

- A. The legislative body of each Municipality and the County Commission shall create a mandatory plat ordinance. The County Commission shall enact an ordinance establishing standards, procedures and minimum requirements to regulate and control the platting of lands located in the County. In addition, the governing body of each Municipality may enact an ordinance establishing additional standards, procedures, and requirements as may be necessary to regulate and control the platting of lands within its boundaries.
- B. The County Commission must approve plats of land lying within the County prior to recording the plat in the County's Official Records.

Section 8.12 DEVELOPMENT AUTHORITIES

The County Commission may create development authorities with duties and powers designated by the County Commission and in compliance with the Constitution and the laws of the State of Florida. The development authorities shall be under the general administrative authority of the County Administrator. A development authority shall not be established or take any action which is in conflict with the County's Land Use Plan or in conflict with any other affected governmental unit.

Section 8.13 BROWARD COUNTY PARK PRESERVATION

- A. Definitions.
 - (1) "Disturbed Area" shall mean the area of a park which no longer retains the pristine and unique characteristics of a Natural Area Park.
 - (2) "Park Purposes" shall mean the use of an area of land in the pursuit of outdoor leisure, athletic, or recreational activities and facilities ancillary thereto including, but not limited to, cultural, educational, and civic facilities, animal exhibits, habitats, band shells, pavilions, outdoor classrooms, and concessions.
 - (3) "Passive Recreation Park Uses" shall mean nature centers and trails, scenic areas, wildlife sanctuaries, aquatic preserves and wetlands, or picnic areas.
- B. Natural Area Parks.
 - (1) The following lands, based upon their unique qualities and environmental character, are hereby designated as "Natural Area Parks":
 - (a) Coconut Creek Maple Swamp;
 - (b) Crystal Lake Sand Pine Scrub;
 - (c) Dillard Green Space 212;
 - (d) Doris Davis Forman Wilderness Preserve;
 - (e) Holmberg Road Site;
 - (f) Helene Klein Pineland Preserve;
 - (g) Helwig, excluding the Disturbed Area of the park;
 - (h) Highland Scrub;
 - (i) Hillsboro Pineland;
 - (j) Military Trail;
 - (k) Pond Apple Slough;
 - (l) Saw Palmetto;
 - (m) Shooster;
 - (n) Site 39;

- (o) Tall Cypress;
 - (p) Warbler Wetland;
 - (q) West Creek Pineland;
 - (r) William J. Kelly Rookery;
 - (s) Woodmont;
 - (t) Any land acquired in the future which is given this designation by the County Commission;
 - (u) Any currently-owned land subsequently re-designated as a Natural Area Park by the County Commission; or
 - (v) Any subsequently renamed lands listed in Subsection (a)-(u).
- (2) Natural Area Parks shall be used for "Passive Recreation Park Uses" only. Natural Area Parks may not be sold, transferred, or used for purposes other than as a Natural Area Park unless such action is approved by an affirmative vote of no less than sixty percent (60%) of the electors of Broward County voting in a referendum at either a general election or a special election called for that purpose.
- (3) The operation or maintenance of Natural Area Parks may be transferred to a municipality without a referendum, provided that the subject park continues to be used for Passive Recreation Park Uses only as described in this Article.
- C. Regional Parks.
- (1) The following lands, based upon their unique qualities and environmental character, are described and designated as "Regional Parks":
- (a) Boaters Park;
 - (b) Brian Piccolo;
 - (c) C.B. Smith;
 - (d) Central Broward;
 - (e) Easterlin;
 - (f) Everglades Holiday Park;
 - (g) Markham;
 - (h) Miramar Pineland;
 - (i) Plantation Heritage;
 - (j) Quiet Waters;
 - (k) Topeekeegee Yugnee;
 - (l) Tradewinds;
 - (m) Tree Tops;
 - (n) Vista View;
 - (o) County-owned property within West Lake;
 - (p) Fern Forest;
 - (q) Long Key;
 - (r) Secret Woods;
 - (s) Any future-acquired land given this designation by the County Commission;
 - (t) Any currently-owned land subsequently re-designated as such by the County Commission; or
 - (u) Any subsequently renamed lands listed in Subsection (a)-(t).
- (2) Regional Parks shall only be used for Park Purposes. Regional Parks may not be sold, transferred, or used for purposes other than as a Regional Park unless such action is approved by an affirmative vote of no less than sixty percent (60%) of the electors of Broward County voting in a referendum at either a general election or a special election called for that purpose.
- D. Any land acquired for Passive Recreation Park Uses or for Park Purposes after the effective date of this charter amendment shall, when acquired, be forthwith designated as either a Natural Area Park or a Regional Park. All the land currently owned by the County, on the effective date of this charter amendment, which is subsequently used for Passive Recreation Park Uses or Park Purposes, shall be forthwith designated as either a Natural Area Park or as a Regional Park. The County Commission shall conduct public hearings prior to adopting any resolution designating any currently-owned or future-acquired land as either a Natural Area Park or a Regional Park.
- E. All existing or future restrictive covenants or conditions, recorded plats, legally enforceable interlocal agreements, legally binding court decisions or eminent domain proceedings, and other deed restrictions which encumber parks located within the County, including those restrictions which encumber land that has been transferred from the County to a municipality or other entity which run in favor of the County, may not be amended to reduce the majority required to amend or remove the restrictions.

- F. In connection with the future annexation of land by a municipality, the County and the annexing municipality shall ensure that any lands designated as a Natural Area Park, Regional Park and those lands listed in Subsection (H) shall continue to be used for the purposes set forth herein.
- G. The operation, maintenance, or title to Regional Parks may be transferred without a referendum to the School Board of Broward County for collocation/shared use purposes or to a municipality, provided that the subject park continues to be used for Park Purposes or that a like acre-for-acre replacement of the transferred property, or greater, is provided to the County and restricted to Park Purposes as described in this Article.
- H. Exemption.
The following lands shall not be subject to Section (A) through Section (E) of this Article:
 - (1) Boulevard Gardens;
 - (2) Reverend Samuel Delevoe Memorial;
 - (3) Franklin;
 - (4) Lafayette Hart;
 - (5) Lewis-Chisolm;
 - (6) Roosevelt Gardens;
 - (7) South Fork Canoe Launch;
 - (8) Sunview.

ARTICLE IX

BUILDING AND CONSTRUCTION

Section 9.01

CENTRAL EXAMINING BOARDS

- A. The Central Examining Boards ("CEBs") are created in order to provide for procedures to register and license individuals who perform a variety of construction trades in the County, to issue Certificates of Competency to individuals practicing the various construction trades in the County, to insure that individuals practicing the various construction trades are properly insured, and to provide the public a means by which to register complaints, mediate disputes, and to be heard with respect to issues which arise during construction.
- B. For purposes of this Article, a "Professional Member" shall be an individual who has been active in his/her respective craft or trade for not less than ten (10) years within the County.
- C. For purposes of this Article, a "Consumer Representative" shall be any person who resides in the County who is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.
- D. The Board of Plumbers, Board of General Construction Trades, Board of Mechanical Contractors and Specialty Mechanical Contractors, and Board of Engineered Construction Trades are established as County CEBs, and each shall consist of nine (9) members. These nine-member CEBs shall be comprised of five (5) members appointed by the County Commission consisting of three (3) Professional Members and two (2) Consumer Representatives. The Broward County League of Cities shall appoint four (4) members consisting of three (3) Professional Members and one (1) Consumer Representative.
- E. The Board of Electricians CEB is established, and shall consist of seven (7) members. The County Commission shall appoint four (4) members consisting of three (3) Professional Members and one (1) Consumer Representative. The Broward County League of Cities shall appoint three (3) members consisting of three (3) Professional Members.
- F. The Board of Liquefied Petroleum Gas Contractors CEB is established, and shall consist of six (6) members. The County Commission shall appoint three (3) Professional Members. The Broward County League of Cities shall appoint three (3) Professional Members.
- G. Each of the individuals appointed by the County Commission to each CEB shall be nominated by a Commissioner, and approved by a majority of the County Commission. The County Commission shall adopt an appointment process which provides for each Commissioner appointing two (2) Professional Members and one (1) Consumer Representative. Once appointed, the members appointed by the County Commission shall serve until the expiration of the term of the nominating Commissioner, or until a successor is duly appointed.
- H. The CEB members appointed by the Broward County League of Cities shall serve for a term of four (4) years, or until a successor is duly appointed.
- I. Members of the CEBs may serve three (3) consecutive four-year terms.

- J. The County Commission or the Broward County League of Cities, whichever is the appointing authority, may remove, either by its own action or upon recommendation of the majority of the members of the respective CEB, any member or alternate for misconduct, incompetence, or neglect of duty.
- K. Any vacancy occurring on a CEB shall be filled for the remainder of the former member's term of office by appointment of the County Commission when the former member was a County Commission appointee, or by the Broward County League of Cities when the former member was a Broward County League of Cities appointee.
- L. As to its respective craft or trade, each CEB shall have the powers and duties to:
 - (1) Submit to the County Commission rules and regulations with regard to the requirements for the issuance and revocation of certificates of competency. The County Commission shall enact the rules and regulations by ordinance.
 - (2) Contract with independent testing services to compose, administer and grade tests given for the purpose of granting certificates of competency to individuals practicing specific crafts and trades. A testing agency which contracts with the County shall not, through itself or any subsidiary, offer instructions to applicants for the purpose of passing the tests.
 - (3) Adopt reasonable fees to be paid by applicants to cover the costs of the respective CEBs, including administrative staff to be provided by the County Administrator.
- M. Certificates of Competency as provided in the laws of the State of Florida which are issued by each CEB created hereunder shall be valid countywide.
- N. After adoption of this provision, Municipalities shall not issue new certificates of competency based on examination in any of the above trades or crafts. Municipalities may renew those certificates of competency previously issued by the Municipalities between October 1, 1975, and the adoption of this provision.
- O. Each CEB shall be supplied office space by the County and shall meet a minimum of eight (8) times a year.
- P. The Liquefied Petroleum Gas Contractors CEB shall only be required to meet a minimum of four (4) times a year. In the event that any person requests to be heard by the Liquefied Petroleum Gas Contractors CEB on any matter, other than a complaint of a violation of Chapter 9 of the County Code, as amended, the Liquefied Petroleum Gas Contractors CEB shall meet to consider such matter no later than thirty (30) days after receipt of the request to be heard from the applicant.
- Q. All certificates of competency issued by the CEBs prior to the adoption of this Section shall remain in full force and effect unless revoked for cause.
- R. The County Attorney shall represent each of the CEBs.

Section 9.02 BUILDING CODE AND BOARD OF RULES AND APPEALS

- A. Purpose.
 - (1) It shall be the function of the Broward County Board of Rules and Appeals to exercise the powers, duties, responsibilities, and obligations as set forth and established in Chapter 71-575, Laws of Florida, Special Acts of 1971, as amended by Chapter 72-482 and 72-485, Laws of Florida, Special Acts of 1972; Chapter 73-427, Laws of Florida, Special Acts of 1973; Chapters 74-435, 74-437, and 74-448, Laws of Florida, Special Acts of 1974; and Chapter 98-287, as amended by Chapter 2000-141, Laws of Florida, or any successor building code to the Florida Building Code applicable to the County, as amended.
 - (2) The provisions of the Florida Building Code shall be amended only by the Board of Rules and Appeals and only to the extent and in the manner specified in the Building Code. The County Commission or a Municipality shall not enact any ordinance in conflict with Chapter 98-287 and Chapter 2000-141, Laws of Florida, as may be amended from time to time.
 - (3) The Board of Rules and Appeals shall conduct a program to monitor and oversee the inspection practices and procedures employed by the various governmental authorities charged with the responsibility of enforcing the Building Code.
 - (4) The Board of Rules and Appeals shall organize, promote and conduct training and educational programs designed to increase and improve the knowledge and performance of those persons certified by the Board of Rules and Appeals pursuant to the Building Code and may require the completion of certain minimum courses, seminars or other study programs as a condition precedent to the issuance of certificates by the Board of Rules and Appeals pursuant to the Building Code.
- B. Effective January 1, 2003, there shall be a Broward County Board of Rules and Appeals, "Board of Rules and Appeals," composed of thirteen (13) members and nine (9) alternates as follows:
 - (1) Six (6) members and three (3) alternates shall be appointed by the County Commission. Each County Commissioner shall nominate one (1) member or one (1) alternate by lot to the Board of Rules and Appeals subject to approval by a majority of the County Commission.
 - (2) Seven (7) members and six (6) alternates shall be appointed by the Broward County League of Cities.

- (3) The membership of the Board of Rules and Appeals shall be comprised of one (1) of each of the following trades or groups: architect, general contractor, structural engineer, mechanical engineer, electrical engineer, master electrician, master plumber, air conditioning contractor, swimming pool contractor, roofing contractor, fire service professional, a disabled person, and a consumer advocate.
 - (4) Alternate membership for the Board of Rules and Appeals shall be comprised of one (1) each of the following trades or groups: architect, general contractor, structural engineer, mechanical engineer, electrical engineer, master electrician, master plumber, roofing contractor, and a fire service professional.
 - (5) No more than one (1) member and no more than one (1) alternate shall be appointed to represent the same category.
 - (6) The County Commission and Broward County League of Cities shall coordinate appointments to the Board of Rules and Appeals in order to ensure they are consistent with the requirements of this Section.
 - (7) Except for consumer advocates and disabled persons, all members and alternates appointed by the County Commission and the Broward County League of Cities to the Board of Rules and Appeals shall be qualified to serve on the Board of Rules and Appeals by being registered as a professional or by having been licensed as a contractor, and by having been active in their respective profession or trade for not less than ten (10) years.
 - (8) Members and alternates to the Board of Rules and Appeals shall be residents of the County and shall have served in their professional capacity in the State of Florida for a period of two (2) years.
 - (9) Eleven (11) members and/or seated alternates shall constitute a quorum, and a majority vote of those members voting on a measure shall be necessary for the Board of Rules and Appeals to take affirmative action.
 - (10) All appointments to the Board of Rules and Appeals shall be for a term of three (3) years. A member shall be permitted to serve a maximum of three (3) consecutive terms. Service prior to the effective date of this Section shall be considered in determining the member's ability to be reappointed. All members and alternates shall continue in office until their successors are duly appointed.
 - (11) The Board of Rules and Appeals shall adopt rules of procedure to seat alternates in the event all board members are not present for a scheduled meeting of the Board.
 - (12) The County Commission or Broward County League of Cities, whichever is the appointing authority, may remove, either by its own action or upon recommendation of the majority of the Board of Rules and Appeals, any member or alternate for misconduct, incompetence, or neglect of duty.
 - (13) Any vacancy occurring on the Board of Rules and Appeals shall be filled for the remainder of the former member's or alternate's term of office by appointment of the County Commission when the former member or alternate was a County Commission appointee, or by the Broward County League of Cities when the former member or alternate was a Broward County League of Cities appointee.
- C. In order to carry out the objects and purposes stated in the Building Code and in this Section of the Charter, the Board of Rules and Appeals shall employ administrative and clerical personnel as shall be required to perform the duties and functions provided in the Building Code and in this Section of the Charter. The Board of Rules and Appeals shall determine in its sole discretion those positions which shall be subject to civil service classifications and procedures. The funding of the personnel for the Board of Rules and Appeals shall be subject to the County Commission's budgetary process.
- D. In order to carry out the objects and purposes stated in the Building Code and in this Section of the Charter, the County Commission shall establish reasonable fees and charges to be collected from the above-described governmental authorities within the County. Any fees and charges paid to the County shall be deposited in a special fund for the exclusive use and benefit of the Board of Rules and Appeals.
- E. The County Commission may adopt ordinances that establish ethical standards and regulations concerning potential conflicts of interest regarding the members, alternates and staff of the Board of Rules and Appeals.

ARTICLE X

MANAGEMENT AND EFFICIENCY STUDY COMMITTEE

Section 10.01

MANAGEMENT AND EFFICIENCY STUDY COMMITTEE

- A. There shall be a Management and Efficiency Study Committee (the "Efficiency Committee"). The Efficiency Committee shall conduct a comprehensive study of County government including, but not limited to, its organization, structure, and the efficiency of any County Board, Committee, Authority, Agency, division, office, department, or other unit of County government that provides administrative staff services to and/or has its budget

- approved by the County Commission. This review shall include an analysis and study of the most effective and cost-efficient means of delivery of services to the citizens, and may include consideration of private delivery of services.
- B. Members of the Efficiency Committee appointed on the first Tuesday in June 2009 shall continue to serve consistent with the provisions of this Section. The next appointment of the Efficiency Committee shall be on the first Tuesday in June 2020, and appointments of the Efficiency Committee shall occur on the first Tuesday in June every ten (10) years thereafter. The term of each member of the Efficiency Committee shall expire on the first Tuesday of June, two (2) years after the year each member was appointed.
 - C. The Efficiency Committee shall deliver to the County Commission an interim report containing the Efficiency Committee's recommendations no later than one (1) year prior to the expiration of its term and a final report prior to the expiration of the Efficiency Committee's term. The Efficiency Committee's authority shall be advisory only.
 - D. The Efficiency Committee may advise the County Commission concerning those Boards, Committees, Authorities, and Agencies that are subject to review pursuant to any sunset procedures set forth by this Charter or County ordinance.
 - E. The Efficiency Committee shall be comprised of seventeen (17) members.
 - (1) The County Commission shall appoint ten (10) members as follows:
 - (a) One (1) member shall be a County Commissioner.
 - (b) Further, one (1) member shall be appointed from each of the individual County Commission Districts.
 - (2) Each of the following seven (7) organizations is authorized to appoint one (1) person to serve on the Efficiency Committee:
 - (a) Broward County Legislative Delegation (House members);
 - (b) Broward County Legislative Delegation (Senate members);
 - (c) Broward County League of Cities;
 - (d) Broward Workshop;
 - (e) Broward Alliance;
 - (f) League of Women Voters of Broward County; and
 - (g) Broward County School Board.
 Such members are not required to hold membership in the applicable appointing organization.
 - (3) All members shall have business-related or management experience in the public sector, private sector or in organized labor, which minimum standards of experience shall be determined by the County Commission.
 - F. The Efficiency Committee shall create and elect officers as it deems necessary and proper for the orderly conduct of its specific duties, including a Chair and Vice Chair. The Chair shall set the time, date, and place of meetings. The Efficiency Committee shall adopt such internal procedures and rules as may be necessary to carry out its functions.
 - G. The Efficiency Committee shall employ an Executive Director and such other administrative, professional, expert and clerical assistants as is necessary to carry out its required duties.
 - H. The County Attorney shall serve as the Committee's legal counsel. In addition, the Efficiency Committee may employ special legal counsel, independent of County government and staff, when the Committee deems necessary.
 - I. The County Commission shall include in the general fund of its annual budget for each fiscal year such sum as is necessary to carry out the duties of the Efficiency Committee.
 - J. Funding shall be determined by the County Commission pursuant to recommendation by the Efficiency Committee.

ARTICLE XI

GENERAL PROVISIONS

Section 11.01 CONFLICT OF COUNTY ORDINANCES WITH MUNICIPAL ORDINANCES

Any County ordinance in conflict with a Municipal ordinance shall not be effective within the Municipality to the extent that a conflict exists regardless of whether such Municipal ordinance was adopted or enacted before or after the County ordinance. A County ordinance shall prevail over Municipal ordinances whenever the County acts with respect to the following:

- A. Sets minimum standards protecting the environment through the prohibition or regulation of air or water pollution, or the destruction of resources in the County belonging to the general public.
- B. Land use planning.
- C. Regulates the conduct of elected officials, appointed officials, and public employees through an enacted Code of Ethics.

In the event a County ordinance and a Municipal ordinance shall cover the same subject matter without conflict, both the Municipal ordinance and the County ordinance shall be effective.

Section 11.02 EFFECT ON LOCAL LAWS

All existing laws, ordinances, regulations and resolutions of all units of the former government shall remain operative except where inconsistent or in direct conflict with this Charter.

Section 11.03 LEGAL ACTIONS INVOLVING COUNTY

In any legal actions by or against the County, the County as a corporate body shall be the party named and shall appear and participate in the cause on behalf of the department, officer or employee in such cause.

Section 11.04 EXISTING CONTRACTS

No provision of this Charter shall be construed to interfere with any valid contract entered into by the County government.

Section 11.05 BROWARD CULTURAL COUNCIL

There shall be a Broward Cultural Council with such duties, functions, and staff as designated in the County Code and the Administrative Code. The Council's purpose is to further the County's commitment to excellence among its artists and cultural organizations, and to foster a strong and vibrant cultural environment for both the residents of and visitors to the County.

Section 11.06 BROWARD COUNTY ENVIRONMENTAL QUALITY CONTROL BOARD

All existing rules and regulations adopted prior to the effective date of this Section, January 7, 1991, by the Broward County Environmental Quality Control Board shall remain effective and may thereafter be amended by ordinance adopted by the County Commission.

Section 11.07 BROWARD COUNTY HOUSING COUNCIL

- A. There shall be a Broward County Housing Council that shall serve in an advisory capacity to the County Commission and facilitate coordination between the County, Municipalities, the business community and not-for-profit groups to address housing issues including, but not limited to, affordable housing, workforce housing and homelessness.
- B. Membership.
The Broward County Housing Council shall be comprised of at least seventeen (17) members. Sixteen (16) members shall be voting members. The members of the Broward County Housing Council shall be appointed as follows:
 - (1) One (1) member shall be the owner of a business that employs at least fifty (50) employees. This member shall be appointed by the Broward County Commission;
 - (2) One (1) member shall be the owner of a business that employs fewer than fifty (50) employees. This member shall be appointed by the Broward County Commission;
 - (3) One (1) member shall be a recipient of Section 8 housing assistance or another housing assistance program. This member shall be appointed by the Broward County Commission;
 - (4) One (1) Broward County Commissioner. This member shall be appointed by the Broward County Commission;
 - (5) One (1) member shall be the Chief Executive of a recognized, not-for-profit homeless organization. This member shall be appointed by the Broward County Commission;
 - (6) One (1) member shall be the Chief Executive of a not-for-profit housing organization. This member shall be appointed by the Broward County Commission;
 - (7) One (1) member shall be a licensed real estate professional appointed by the Florida Association of Realtors;
 - (8) One (1) member shall be a banker appointed by the Broward County Commission;
 - (9) One (1) member shall be appointed from the Broward County League of Cities, which member shall be an officer of the organization;
 - (10) One (1) member shall be the City Manager of a city in Broward County with more than 50,000 residents. This member shall be appointed by the Broward County League of Cities;
 - (11) One (1) member shall be the City Manager of a city in Broward County with less than 50,000 residents. This member shall be appointed by the Broward County League of Cities;
 - (12) One (1) member shall be appointed by the Builders Association of South Florida;
 - (13) One (1) member shall be the Director or designee from the Florida Atlantic University Center for Urban Redevelopment and Education;

- (14) One (1) member shall be a member of the Broward County School Board chosen by a majority vote of the School Board;
 - (15) One (1) member shall be appointed by the Broward County Housing Authority;
 - (16) One (1) member shall be a mortgage broker appointed by the Florida Association of Mortgage Brokers;
 - (17) The County Administrator, or his or her designee, shall serve as a permanent, non-voting member of the Council.
- C. The Broward County Commission, at its discretion, may appoint additional members to the Broward County Housing Council, provided that the Council shall be comprised of no more than nineteen (19) members with an odd number of voting members.
 - D. The duties and responsibilities of the Broward County Housing Council shall include, but not be limited to the following:
 - (1) Exploring housing models elsewhere in the country;
 - (2) Educating and advising about alternative housing programs;
 - (3) Sharing and exploring funding strategies;
 - (4) Coordinating and collaborating with housing agencies to maximize countywide funding opportunities;
 - (5) Preventing and minimizing a duplication of services; and
 - (6) Educating the public and engaging interested parties to ensure the maximum countywide involvement of all stakeholders.
 - E. Quorum.
A quorum, necessary to conduct Broward County Housing Council business, shall consist of a majority of the Broward County Housing Council members.
 - F. Term.
The term for each member shall be two (2) years from the date of appointment.
 - G. Meetings.
The Broward County Housing Council shall hold its first meeting as soon as practicable after the appointment of its inaugural Board but no later than March 1, 2009. The Council shall hold no less than six (6) meetings per year.
 - H. Chair and Vice-Chair.
At the first meeting of the Broward County Housing Council, and at each March or April meeting thereafter, the members shall appoint a Chair and Vice-Chair. The Chair and Vice-Chair shall serve for a one-year term.
 - I. Vacancies.
If a member of the Broward County Housing Council is an elected official and ceases to be an elected official, the individual's membership on the Council shall terminate, and the position shall be declared vacant. Members of the Council who no longer satisfy the residency or employment/membership requirements of their position shall cease to be members of the Council, and their positions shall be declared vacant. Other circumstances creating a vacancy may be defined by ordinance, and those vacancies shall be filed pursuant to Subsection (B) of this Section.
 - J. Recommendations.
The Broward County Housing Council shall make regular recommendations to the County Commission and all organizations represented by the Council on issues including streamlining housing-related governmental regulations and enhancing housing stability. The Council shall submit an annual report to the County Commission and other organizations represented by the Council.

Section 11.08

BROWARD COUNTY ETHICS COMMISSION

- A. There shall be a Broward County Ethics Commission whose sole purpose shall be to establish a Code of Ethics for the Broward County Commission. The Broward County Ethics Commission shall work in a collaborative and communicative nature with the County Commission in drafting the Code of Ethics.
The Broward County Ethics Commission shall present a Code of Ethics to the Broward County Commission for consideration no later than at the first County Commission meeting in March 2010 (the "Proposed Ethics Code"). If the Broward County Commission fails to adopt the Proposed Ethics Code as proposed by the Broward County Ethics Commission within one hundred eighty (180) days of its receipt of the proposal, the Proposed Ethics Code shall be presented to the electors of Broward County for consideration at the November 2010 general election. If approved by the electors of Broward County, the Proposed Ethics Code shall become part of the Broward County Code of Ordinances.
- B. Membership.
The Broward County Ethics Commission shall be comprised of eleven (11) voting members. Each County Commissioner shall appoint one (1) member from their respective districts, and two (2) countywide members shall be appointed by the Broward League of Cities.
- C. Quorum.

A quorum, necessary to conduct Broward County Ethics Commission business, shall consist of a majority of the Broward County Ethics Commission members.

- D. Term and Vacancies.
Broward County Ethics Commission members shall serve until a Code of Ethics is adopted by either the Broward County Commission or the electors of Broward County. If a member fails to attend any three (3) consecutive meetings of the Broward County Ethics Commission, that member shall be considered to have vacated his or her seat, and the vacancy shall be filled by appointment pursuant to Subsection B.
- E. Meetings.
The Broward County Ethics Commission shall hold its first meeting as soon as practicable after the appointment of its inaugural Board but no later than March 1, 2009. The Commission shall meet as needed and shall hold no less than eight (8) meetings.
- F. Chair and Vice-Chair.
At the first meeting of the Broward County Ethics Commission, the members shall appoint a Chair and Vice-Chair. The Chair and Vice-Chair shall serve for the duration of the Broward County Ethics Commission's existence.
- G. Sunset.
The Broward County Ethics Commission shall cease to exist upon adoption of the Proposed Ethics Code by the Broward County Commission or upon the consideration of the Proposed Ethics Code by the electors of Broward County, regardless of the outcome.

Section 11.09 FINANCIAL IMPACT OF PROPOSED COUNTY CHARTER AMENDMENTS

For all elections, beginning with the November 4, 2008, General Election, the County Auditor shall prepare, and the County Commission shall place on the ballot, immediately following the ballot question, a separate financial impact statement, not exceeding seventy-five words, estimating the increase or decrease in revenues or costs to the County resulting from approval of any proposed Charter amendment.

Section 11.10 CONSTITUTIONAL OFFICERS SUBJECT TO CODE OF ETHICS

The Broward County Sheriff, Property Appraiser, Supervisor of Elections, and Clerk of the Circuit Court are elected officials subject to the Broward County Code of Ethics.

ARTICLE XII

Section 12.01 BROWARD COUNTY OFFICE OF INSPECTOR GENERAL

- A. Created and Established.
 - (1) The Broward County Office of Inspector General (the "Office") is created to investigate misconduct and gross mismanagement.
 - (2) For purposes of this Charter provision, misconduct is defined as any violation of the state or federal constitution, any state or federal statute or code, any county or municipal ordinance or code; or conduct involving fraud, corruption, or abuse.
 - (3) For purposes of this Charter provision, gross mismanagement is defined as the material waste or significant mismanagement of public resources.
 - (4) The Office shall be headed by an Inspector General. The organization and administration of the Office shall be independent to assure that no interference or influence external to the Office affects the objectivity of the Office.
 - (5) Consistent with its approved budget, the Inspector General shall have the power to employ personnel as deemed necessary for the efficient and effective administration of the Office.
- B. Functions, Authority, and Powers.
 - (1) The authority of the Inspector General shall extend only over the following:
 - (a) All elected and appointed officials ("Officials") and employees ("Employees") of the Charter Government of Broward County ("County") and of all municipalities, including any city, town, or village duly incorporated under the laws of the state within Broward County ("Municipalities"); and
 - (b) All entities and persons (other than employees of the County or any Municipality) that provide goods or services to the County or any Municipality under contract for compensation ("Providers"), but solely with respect to the provision of such goods or services.
 - (2) The Inspector General shall commence an investigation if good cause exists that any Official, Employee, or Provider has engaged in misconduct or gross mismanagement.

- (3) The Inspector General may find good cause on his or her own initiative or based on a signed, verified complaint (as described below) stating allegations that, if true, would constitute misconduct or gross mismanagement.
- (4) In addition to meeting the requirements of paragraph (3) above, a complaint may only serve as a basis for a good cause finding if it is signed by an identified person who verifies the contents of the complaint by including the following statement: "Under penalties of perjury, I declare that I have read the foregoing complaint and that based on my personal knowledge the facts stated in it are true." The Inspector General shall develop a complaint form consistent with the requirements of this paragraph.
- (5) Any complaint received by the Office that is made against a candidate for elected office, and received within sixty (60) days of the date of the election, shall be held in abeyance until the election is determined, or, if the complaint is made within sixty (60) days of a primary election, until the general election is determined if the individual against whom the complaint was filed remains a candidate in the general election.
- (6) In connection with an investigation, the Inspector General shall have the power to subpoena witnesses, administer oaths, and require (through subpoena or otherwise) the production of documents and records.
- (7) As part of any investigation, the Inspector General may audit any program, contract, or the operations of any division, department, or office of the County and Municipalities. The Inspector General may also audit the operations or performance of any Provider relating to the Provider's contract for compensation with the County or any Municipality.
- (8) The auditing referenced in paragraph (7) above shall be performed with the cooperation of the County Auditor. When conducting audits, the Inspector General shall have free and unrestricted access to Employees, Officials, records, and reports, and to the records and employees of Providers with respect to any Provider's contract for compensation with the County or any Municipality. The Inspector General may require Officials, Employees, and Providers to provide oral and written reports and to produce documents, files, and other records.
- (9) All Officials, Employees, and Providers shall fully cooperate with investigations conducted by the Inspector General.
- (10) As part of an investigation, the Inspector General shall interview all persons implicated by a complaint, and all persons implicated during the Inspector General's investigation.
- (11) As part of an investigation, the Inspector General (or his or her designee) may attend all duly-noticed local government meetings relating to the procurement of goods or services, and may pose questions and raise concerns consistent with the functions, authority, and powers of the Inspector General.
- (12) To the full extent provided under applicable law, including under Subsection 112.3188(2), Florida Statutes, as amended, the Inspector General's records related to active investigations shall be confidential and exempt from disclosure.
- (13) In any case in which the Inspector General determines that a person has filed a complaint with a malicious intent to injure an Official's, Employee's, or Provider's reputation with baseless, spurious, or false accusations, or with a reckless disregard for the truth of the allegations, the complainant shall be liable for all costs incurred by the Inspector General in the investigation of the complaint. Upon such a determination, the Inspector General shall issue a demand letter for reimbursement of such costs, which shall be sent to the complainant by certified mail and presumed received three (3) days after mailing. If the complainant objects in writing to the demand for reimbursement of costs within thirty (30) days of receipt of the demand, the matter shall be referred by the Inspector General to a Hearing Officer (as provided below) for adjudication, including a determination of whether the criteria for the imposition of such costs have been met. If there is no timely objection, the Inspector General's determination shall be deemed to be final, conclusive, and binding. Once final, the determination for reimbursement of costs may be enforced by the Inspector General by filing an appropriate action in a court of competent jurisdiction.
- (14) An Official or Employee who prevails in full in any administrative hearing in connection with a complaint filed with the Office of Inspector General shall be entitled to reimbursement of all reasonable attorney's fees and costs incurred in the defense against such complaint to the full extent the Official or Employee would be entitled to reimbursement in connection with a complaint filed under the Florida Code of Ethics for Public Officers and Employees.

C. Referral and Prosecution of Misconduct.

- (1) After completing his or her investigation and determining that there is probable cause to believe misconduct has occurred, the Inspector General shall notify the appropriate civil, criminal, or administrative agencies charged with enforcement related to the alleged misconduct. If no civil, criminal,

or administrative agency has jurisdiction over the alleged misconduct, the matter shall be referred to a Hearing Officer (as provided below) for quasi-judicial enforcement proceedings.

- (a) The Inspector General shall refer findings of alleged criminal offenses to the Office of the State Attorney and/or the Office of the United States Attorney.
 - (b) The Inspector General shall refer findings of alleged civil offenses involving a violation of Chapter 112, Part III, Florida Statutes, to the Florida Commission on Ethics.
 - (c) The Inspector General shall refer findings of alleged violations of The Florida Election Code, Chapters 97 through 106, Florida Statutes, to the Florida Elections Commission (except as to alleged violations that may be criminal in nature, which shall be referred to the Office of the State Attorney).
 - (d) The Inspector General shall refer other alleged offenses to the appropriate civil, criminal, or administrative agency that would have jurisdiction over the matter.
- (2) Any civil infraction not covered by paragraphs (a) through (d) above shall be stated in a complaint brought in the name of the Inspector General. The Inspector General may retain legal counsel not employed by the County to represent the Inspector General in prosecuting a complaint. The Inspector General shall serve the complaint on the Official, Employee, or Provider accused of misconduct in any manner deemed proper service under the Florida Rules of Civil Procedure. Concurrently with such service, the Inspector General shall refer the complaint to a Hearing Officer randomly chosen from the panel of Hearing Officers selected by the Selection-Oversight Committee (as described below). The accused person or entity shall file a response to the complaint within thirty (30) days after service.
- (3) Except to any extent inconsistent with any provision of this section, the Florida Rules of Civil Procedure and Florida Evidence Code, as amended, shall apply to all matters referred to a Hearing Officer under paragraph (2) above.
- (4) In addition to all other authority granted in this Section, the Hearing Officer shall have the authority to:
- (a) Issue scheduling orders, case-management orders, and briefing schedules;
 - (b) Issue notices of hearings;
 - (c) Hold hearings on any procedural or substantive matters related to the complaint;
 - (d) Administer oaths and affirmations;
 - (e) Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the production of documents and other items which may be used as evidence;
 - (f) Rule upon motions presented and offers of proof and receive relevant evidence;
 - (g) Issue appropriate orders to effectuate discovery;
 - (h) Regulate the course of the hearing;
 - (i) Dispose of procedural requests or similar matters; and
 - (j) Enter any order, consistent with his or her authority, to carry out the purposes of this Charter provision.
- (5) Within thirty (30) days after completion of the hearing process, the Hearing Officer shall issue a final order determining whether the Inspector General has proved the allegations of the complaint by a preponderance of the evidence. The final order shall contain detailed findings of fact and conclusions of law. If the Hearing Officer determines that misconduct has occurred, the final order shall specify the sanction(s) imposed, if any. The Hearing Officer may impose any of the following sanctions:
- (a) Fines.
 - 1. An Official, Employee, or Provider determined to have committed misconduct shall be assessed a monetary fine of between two hundred and fifty dollars (\$250.00) and five thousand dollars (\$5,000.00) per violation.
 - 2. In determining the amount of the fine, the Hearing Officer shall consider:
 - a) The gravity of the violation;
 - b) Whether it was intentional; and
 - c) Whether it is a repeat offense.
 - 3. The Hearing Officer may determine that no fine shall be imposed upon making an affirmative, express finding that the violation was unintentional and *de minimis*.
 - 4. In addition to a fine, the Hearing Officer may order the Official, Employee, or Provider to pay restitution or to disgorge any sums wrongfully received (directly or indirectly) by that person or entity (or any related person or entity).
 - (b) Public Reprimand/Censure. An Official or Employee who is found to have violated any provision of this Code may be subject to public reprimand or censure.

- (6) All orders issued by the Hearing Officer, when final, are subject to judicial review as provided by applicable law.
- D. Reports and Recommendations.
- (1) The Inspector General shall issue reports, including recommendations, in the following circumstances:
- (a) At the conclusion of an investigation involving allegations of gross mismanagement; and
 - (b) At the conclusion of an investigation involving allegations of misconduct, if the Inspector General determines that a report will assist the County or any Municipality in preventing similar future misconduct. However, no report shall be issued if the Inspector General, in conjunction with the State Attorney or United States Attorney, determines that the issuance of such report may jeopardize a pending criminal investigation.
- (2) The Inspector General shall issue all reports as follows:
- (a) Upon conclusion of an investigation described in paragraph (1) above, the Inspector General shall issue a preliminary report containing findings and recommendations to the County or Municipality and to the Officials, Employees, or Providers implicated in the report. The recipients of the preliminary report shall have thirty (30) days to respond to the preliminary report's findings and recommendations. The time to respond to a preliminary report may be extended by the Inspector General.
 - (b) Within thirty (30) days after the response deadline, the Inspector General shall issue a final report containing findings and recommendations to the County or Municipality and to the Officials, Employees, and Providers implicated in the report. All responses to the Inspector General's preliminary report shall be considered in preparing the final report, and shall be appended to the final report.
- (3) The Inspector General may follow up on any recommendations he or she makes to determine whether such recommendations have been implemented.
- (4) The Inspector General shall establish policies and procedures to monitor the costs of investigations undertaken.
- E. Minimum Qualifications, Selection, and Term of Office.
- (1) Minimum qualifications. The Inspector General shall be a person who:
- (a) Has at least ten (10) years of experience in any one or a combination of the following fields:
 - (i) as a federal, state, or local law enforcement officer or official;
 - (ii) as a federal or state court judge;
 - (iii) as a federal, state, or local government attorney with expertise in investigating fraud, mismanagement, and corruption;
 - (iv) as an inspector general, certified public accountant, or internal auditor;
 - (v) as a person with progressive supervisory experience in an investigative public agency similar to an inspector general's office;
 - (vi) as a person who has managed and completed complex investigations involving allegations of fraud, theft, deception, or conspiracy; or
 - (vii) as a person who has demonstrated an ability to work with local, state, and federal law enforcement agencies and the judiciary.
 - (b) Has, at a minimum, a four-year degree from an accredited institution of higher learning.
 - (c) Has experience in the management of a private or public entity.
 - (d) Has not been employed by the County or any Municipality during the two (2) year period immediately prior to selection.
 - (e) Has not been found guilty of or entered a plea of *nolo contendere* to any felony, or any misdemeanor involving a breach of public trust.
- (2) Selection.
- (a) Responsibility for selecting the Inspector General shall be vested solely with the Inspector General Selection-Oversight Committee ("Selection-Oversight Committee").
 - (b) The Selection-Oversight Committee shall be comprised of the following five (5) individuals, none of whom shall be an elected official:
 - (i) One person appointed by the Broward League of Cities;
 - (ii) One person appointed by the State Attorney for the Seventeenth Judicial Circuit *ex officio*, or by his or her designee if the State Attorney is unable or unwilling to appoint;
 - (iii) One person appointed by the Public Defender for the Seventeenth Judicial Circuit *ex officio*, or by his or her designee if the Public Defender is unable or unwilling to appoint;

- (iv) The United States Attorney for the Southern District of Florida, or his or her designee if the United States Attorney is unwilling or unable to serve; and
 - (v) One person selected by affirmative vote of at least three (3) members of the Selection-Oversight Committee referenced above.
- (c) The appointments to the Selection-Oversight Committee under (b)(i), (ii), and (iii) above, and the United States Attorney's agreement to serve or his or her designation under (b)(iv), shall be made within sixty (60) days of the effective date of this Charter provision.
 - (d) The selection under (b)(v) shall be made within fifteen (15) days thereafter.
 - (e) If, for any reason, a timely appointment, agreement to serve, or designation under (b)(i), (ii), (iii), or (iv) does not occur, the members of the Selection-Oversight Committee shall fill the vacant position by affirmative vote of at least three (3) members.
 - (f) Any appointee or designee may be removed and replaced at any time by the appointing or designating authority.
 - (g) Except as referenced in (e) above, any vacancy on the Selection-Oversight Committee shall be filled by the appointing or designating authority within thirty (30) days.
 - (h) The members of the Selection-Oversight Committee shall elect a chairperson who shall preside over the actions of the Committee. The Selection-Oversight Committee shall establish its own rules of procedure.
 - (i) The Human Resources Division of Broward County shall provide staffing to the Selection-Oversight Committee for the purpose of filling the position of Inspector General.
 - (j) Within thirty (30) days after the effective date of this Charter provision, the Human Resources Division of Broward County shall solicit qualified candidates for the position of Inspector General. Within one hundred and twenty (120) days after the effective date of this Charter provision, the Selection-Oversight Committee shall select an Inspector General.
 - (k) In addition to its other responsibilities, the Selection-Oversight Committee shall select qualified Hearing Officers to preside over hearings in connection with those matters referred to Hearing Officers as provided above.
 - (l) In selecting the Inspector General and qualified Hearing Officers, the Selection-Oversight Committee shall take into consideration the rich diversity of the County's residents.
- (3) Term. The Inspector General shall be appointed for a term of four (4) years, commencing from the time the Inspector General and the County enter into a contract. The Selection-Oversight Committee shall convene at least six (6) months prior to the end of the four-year contract term to determine whether to renew the contract of the Inspector General or to solicit new candidates.
 - (4) Contract. Once the Selection-Oversight Committee selects an Inspector General, the Committee shall notify the Broward County Administrator and County Attorney. The Director of the Broward County Human Resources Division, with the assistance of the Office of the County Attorney, shall promptly negotiate a contract of employment with the Inspector General substantially consistent with the terms included in contracts of other contractual employees of Broward County.
 - (5) Removal. The Inspector General may be removed based on specified charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. Removal shall be considered at a duly-noticed public hearing of the Selection-Oversight Committee. The Inspector General shall be provided sufficient advance notice of the reasons for the possible removal, and shall be given an opportunity to be heard on the charges.
 - (6) Vacancy. In the event of a vacancy in the position of Inspector General, the Chairperson of the Selection-Oversight Committee shall appoint an interim Inspector General until such time as a successor Inspector General is selected and assumes office. The Interim Inspector General shall meet all qualifications provided herein for the Inspector General.
- F. Annual Report.
- (1) The Inspector General shall annually publish a written report to the County and the Municipalities detailing the activities of the Office of Inspector General. The annual report of the Inspector General shall, promptly after it is completed, be posted on a website established by the Inspector General, and shall be presented to the Selection-Oversight Committee.
 - (2) The Selection-Oversight Committee shall convene within sixty (60) days of its receipt of the annual report to consider the report and the performance of the Inspector General. Other meetings of the Committee may be set upon the request of any member of the Committee or at the request of the Inspector General.
- G. Financial Support and Budgeting.
- (1) The Inspector General's budget is subject to approval of the County Commission.

- (2) Within sixty (60) days of selection, the Inspector General shall submit a proposed budget to the County Commission covering the remainder of the County's fiscal year in which the Inspector General is selected. In each subsequent County fiscal year, the Inspector General shall submit a proposed budget to the County Commission in accordance with the County's regular budget process.
- (3) Each proposed budget shall include a reasonable estimate of operating and capital expenditures of the Office of Inspector General, funds to enable Hearing Officers to be retained, and funds to enable the Inspector General to retain outside counsel to represent the Inspector General in connection with complaints referred to a Hearing Officer.
- (4) The County Commission shall provide sufficient funds for the Inspector General to carry out his or her duties in an efficient manner.
- (5) In order to fund the Office of Inspector General, the County may impose a fee of one quarter of one percent (0.25%) on the total value of each County contract entered into after the effective date of this Charter amendment.
- (6) In the event funds raised from such contract fees in any County fiscal year are insufficient to fund the Office of Inspector General, the County Commission may supplement such funding from the County's general revenue fund.

H. Conflict.

Any County or Municipal ordinance or resolution that creates or has created an Office of Inspector General, or an officer, employees, or agents that function substantially the same as the Office of Inspector General as provided herein, shall be deemed inconsistent with and preempted by this Charter provision.

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APPENDIX A

The Broward County Charter went into effect on January 1, 1975. Amendments made to the Charter since that time are listed below in chronological order.

March 9, 1976

Sections 1.06, 2.01 C, 5.01 A, 5.01 B, 5.01 C, 6.03 A, and 8.12 D were amended as proposed by the Charter Review Commission to provide for housekeeping changes or clarifying language.

Sections 2.01 and 8.02 were amended to abolish the two County-at-large districts to provide for redistricting of the County in 1977 into seven Commission districts and providing residency requirements for members of the Board of County Commissioners and the Charter Review Commission.

The Charter was amended, as proposed by the Charter Review Commission, to add a new Section 8.18 establishing the Broward County Board of Rules and Appeals as presently created by statute as an arm of Charter government.

November 2, 1976

Section 2.01 was amended, as proposed by the Charter Review Commission, to provide for non-partisan election of County Commissioners commencing with the 1978 primary election and to provide grounds for disqualification for partisan political activities.

Sections 6.05 D and 6.09 were amended, as proposed by the Broward County Commission, to conform to the requirements of State Law for the adoption of a comprehensive plan to provide that the County Land Use Plan shall be proposed by the Broward County Planning Council and adopted by no less than a majority of the membership of the County Commission.

Section 6.11 was amended, as proposed by the Charter Review Commission, to provide for central examining boards for certain craft and trades, the issuance and revocation of certificates of competency, for fees, and for representation by the Office of General Counsel.

Section 6.12 was amended, as proposed by the Charter Review Commission, to provide for approval by the County Commission prior to recordation of all plats of lands within Broward County and to provide for Broward County to adopt standards and procedures regulating platting, and to provide for municipalities to adopt additional standards, procedures and requirements for plats of land within their boundaries.

Section 7.05 was amended, as proposed by the Charter Review Commission, to place the Court Trustee under the jurisdiction of the County Administrator.

Section 8.18 A was amended, as proposed by the Charter Review Commission, to reduce the Board of Rules and Appeals from twenty-six (26) to nineteen (19) members, including two (2) consumer advocates.

September 12, 1978

Section 8.18 was amended to add new provisions authorizing the Broward County Board of Rules and Appeals to conduct a program of surveillance over building inspections pursuant to the South Florida Building Code, to conduct educational programs for persons certified by the Board of Rules and Appeals, to require completion of certain educational programs prior to certification by the Board of Rules and Appeals, and to employ personnel through Broward County; and authorizing the Board of County Commissioners to establish fees for carrying out purposes of the South Florida Building Code.

November 7, 1978

Section 2.01 was amended, as proposed by the Charter Review Commission, to provide that there shall be a six-month residency requirement within the district from which a candidate for County Commissioner is seeking election prior to qualifying for said election.

Section 6.02 was amended, as proposed by the Charter Review Commission, to provide that fourteen (14) members of the Broward County Planning Council shall be appointed from seven (7) County Commission districts and that affected incumbents shall serve until December 1, 1978.

Sections 8.02 and 8.03 were amended, as proposed by the Broward County Board of County Commissioners, to provide that the term of office of every member of the present Charter Review Commission shall expire on November 7, 1978; to provide that the Charter Review Commission shall be appointed by the Broward County Board of Commissioners on the first Tuesday in November of 1979 and every eight (8) years thereafter; to provide that the term of each member of the Charter Review Commission shall expire on the first Tuesday in June of each Presidential election year; to provide that any vacancy occurring in the Charter Review Commission shall be filled by the County Commission from the County Commission district in which the vacancy occurs, for the remainder of the unexpired term; to provide such approximate seven-month terms for each member of the Charter Review Commission; to provide for two (2) public hearings prior to the Charter Review Commission proposing an amendment of the Charter to the County Commission; to provide that the Charter Review Commission must submit any proposed Charter amendments prior to its adjournment; and to provide that all proposed amendments must be presented by the County Commission to the electorate at the next general election.

March 11, 1980

Section 2.01 (B), as proposed by the Broward County Commission, was amended, and Section 2.01 (D) was deleted to allow political party primary elections by major and minor political parties, to nominate candidates to the general election of County Commissioners, and allow independents and others to be candidates to the County Commission.

November 4, 1980

Section 2.03 A (4), as proposed by the Charter Review Commission, was amended to insert the words "other legislative" and thus have the section read as follows: (4) Sign ordinances, resolutions, and other legislative documents for the Commission.

Section 3.03, as proposed by the Charter Review Commission, was amended to include subsection I. as follows: I. The Administrator shall sign all administrative or ministerial documents on behalf of the Commission including, but not limited to, contracts, grant applications, satisfactions, and releases when signature by the Administrator is not inconsistent with the State of Florida.

Section 6.11, as proposed by the Charter Review Commission, was amended to read as follows: F. Each board shall be supplied office space by Broward County and shall meet a minimum of eight times a year.

March 13, 1984

Section 8.04, as proposed by the Broward County Commission, was amended, and Section 8.19 added to provide that the County Commission may adopt a countywide ordinance relating to handgun management.

November 6, 1984

Section 8.18, as proposed by the Broward County Commission, was amended to provide for a 21-member board (up from 19) by adding a fire service professional and a handicapped person.

March 8, 1988

Sections 8.03 B and 8.03 C, as proposed by the Broward County Commission, were amended to provide that the Charter Review Commission may submit proposed revisions to the Charter, in addition to its existing authority to propose amendments, to the County Commission for presentation to the electorate at the next general election.

November 8, 1988

Article IV, as proposed by the Charter Review Commission, was amended to provide for the reorganization of administrative departments to reflect current County government organization; to require the Administrator to provide annually an organizational chart of the structure of County government; to require the creation of an Office or Department of Transportation; to change the title of General Counsel to County Attorney, and to restrict the appointment of the Commission Auditor to a Certified Public Accountant.

Section 8.02, as proposed by the Charter Review Commission, was amended to increase the number of persons appointed to the Charter Review Commission from seven to fifteen; to require the Charter Review Commission to meet every 6 years instead of 8; to expand the term of the Commission's existence from 7 to 17 months, and to prohibit certain elected and appointed officials from serving on the Charter Review Commission.

Section 8.03, as proposed by the Charter Review Commission, was amended to require a two-thirds (2/3) vote to propose changes to the Charter; to require the adoption of rules of procedure; and to allow for staffing and independent legal counsel.

Section 8.11, as proposed by the Charter Review Commission, was amended to require the establishment of a system of emergency medical service to serve those areas of Broward County not served by a municipality.

Section 8.12, as proposed by the Charter Review Commission, was amended to require law enforcement agencies subject to the County Charter to enter into interlocal agreements with municipal law enforcement agencies.

Section 8.16, as proposed by the Charter Review Commission, was amended to require the County Commission to provide for a Broward County Cultural Affairs Council and deleted the language which placed the Council under the general authority of the County Administrator.

Section 8.17, as proposed by the Charter Review Commission, was amended to provide that the Broward County Environmental Quality Control Board (EQCB) shall be responsible for all regulations, program development, and administration in environmental quality areas; to provide that all regulations be approved or rejected by the County Commission; to reduce EQCB membership from 13 to 9; to provide categories of appointment limited to four consecutive 2-year terms; and to require an annual review of the Pollution Control Officer at a public hearing.

November 6, 1990

Article VIII, as proposed by the Broward County Commission, was amended to dissolve the Environmental Quality Control Board and to transfer all its functions, responsibilities, duties, and obligations to County government under the authority of the Board of County Commissioners.

March 10, 1992

Voters approved by referendum a Charter amendment, as proposed by the Broward County Commission, which provided for the dissolution of the Port Everglades Authority and Port Everglades District and the transfer of its powers, duties, and functions to the Charter Government of Broward County as of November 22, 1994, pursuant to Chapter 91-346, Laws of Florida.

November 5, 1996

Section 1.06 E, as proposed by the Charter Review Commission, was amended to add "disability," "familial status," and "marital status" for protection from discrimination and deletes "pursuant to state and federal law" so that County legislative protection from discrimination may be broader than protection afforded by state and federal law.

Section 4.07, as proposed by the Charter Review Commission, requires the County Commission to adopt sunseting procedures to abolish each board, development authority, redevelopment authority, and agency created by ordinance unless the Commission finds prior to December 1998 that the applicable entity serves the public interest and the cost of its existence is justified; and requires periodic review every four years subsequent to December 1998.

Section 6.02 and Section 6.04, as proposed by the Charter Review Commission, increase the membership of the Broward County Planning Council from 15 to 16 by adding a Broward County School Board member selected by the School Board for a term not exceeding four years; exempt the School Board member from residency limitations that exist for other Planning Council members; provide for quorum and voting requirements; and delete obsolete language.

Section 6.11, as proposed by the Charter Review Commission, reduces the required minimum number of meetings per year for the Liquefied Petroleum Gas Contractors from eight to four since there are limited matters for this board to address; and requires the Board to meet more often if certain matters are filed.

Section 8.02, as proposed by the Charter Review Commission, adds an additional year to the term of each member by extending the terms from 17 months to 29 months which will allow for a longer study period and disband the Charter Review Commission on the day following the general election in which proposed Charter amendments are voted; and provides that the next Charter Review Commission shall be appointed in the year 2000.

Section 8.05, as proposed by the Charter Review Commission, removes the current prohibition on the County Commission's authority to alter or abolish water management, water control, or drainage districts in existence at the time of the adoption of the Charter on November 5, 1974.

Section 8.18, as proposed by the Charter Review Commission, terminates all Board of Rules and Appeals members' terms on December 31, 1996, and reduces the Board size from 21 to 13, with 9 alternates, effective January 1, 1997; adds a roofing contractor member and alternate; provides quorum and voting requirements; requires County personnel and budget policies except for civil service; authorizes the County Commission to adopt ethics standards and changes the term "handicapped" to "disabled."

Section 8.20, as proposed by the Charter Review Commission, establishes a new committee in June 1998 and every six years thereafter to conduct a comprehensive management and efficiency study of County government, including the delivery of County services; requires reports and authorizes recommendations to the County Commission; provides for membership including one County Commissioner and fourteen members with business and/or management experience; provides for committee procedures, employment of staff, and budget. (The County Commission shall appoint one member from each commission district, in addition to one County Commissioner. Seven members will be appointed by various organizations, including the Broward County Legislative Delegation, Broward League of Cities, Broward Workshop, Broward Economic Development Council, League of Women Voters, and the Broward County School Board.)

Section 2.01, as proposed by the Charter Review Commission, deletes expired timeframes.

Section 7.01, as proposed by the Charter Review Commission, deletes "the Environmental Quality Control of the."

Section 7.08, as proposed by the Charter Review Commission, deletes the entire section since all responsibilities, duties, and obligations of the Port Everglades District have been transferred and vested in the Charter Government.

Section 7.09, as proposed by the Charter Review Commission, renumbers this section as 7.08 since the previous language regarding Port Everglades would be deleted.

Section 8.01, as proposed by the Charter Review Commission, deletes the last sentence of this section: "However, they may not exercise such power within one (1) year of the effective date of this charter."

Section 9.01, as proposed by the Charter Review Commission, deletes entire section.

Section 9.02, as proposed by the Charter Review Commission, deletes entire section.

Section 9.03, as proposed by the Charter Review Commission, deletes entire section.

Section 9.04, as proposed by the Charter Review Commission, deletes entire section.

Section 9.05, as proposed by the Charter Review Commission, deletes the last two sentences from this section since the wording made reference to a study of utilities which should have been completed by January 1, 1978. Renumbers this section to Section 9.01.

Section 9.06, as proposed by the Charter Review Commission, deletes this entire section since the submission date for the specified transportation study has long passed.

Section 9.07, as proposed by the Charter Review Commission, deletes entire section.

Section 9.08, as proposed by the Charter Review Commission, deletes entire section.

Section 9.09, as proposed by the Charter Review Commission, deletes entire section.

Section 9.10, as proposed by the Charter Review Commission, deletes entire section.

Section 9.11, as proposed by the Charter Review Commission, renumbers this section to Section 9.02.

March 14, 2000

Section 2.01, as proposed by the Broward County Commission, was amended. Commencing with the general election of 2000, it was determined that the County Commission shall be composed of nine members elected from single-member districts.

Section 2.06, as proposed by the Broward County Commission, was inserted. This section provides that no person shall be eligible for election as a County Commissioner for more than three consecutive 4-year terms, commencing with terms beginning in November 2000.

November 7, 2000

Section 2.04, as proposed by the Broward County Commission, was amended to increase the number of Commissioners needed to call a special meeting of the County Commission from four (4) to a majority of the members of the County Commission.

Section 8.01, as proposed by the Broward County Commission, was amended to increase the number of Commissioner votes necessary for the County Commission to propose amendments to the Charter from five (5) to a vote of one (1) more than that which would constitute a majority vote of the full County Commission.

November 5, 2002

As proposed by the 2000-2002 Charter Review Commission, the entire Charter was revised, renumbered, reworded, and clarified to eliminate obsolete language, make technical changes, and delete provisions which were superseded by state law.

Section 1.04, as proposed by the Charter Review Commission, created a Citizens' Bill of Rights containing additional rights and protections including (1) truthful and accurate information; (2) public notice of hearings; (3) right to be heard; (4) notice of decisions; (5) County Administrator's and Management Reports; (6) a public budget process, and (7) implementation of a code of conduct.

Article II, as proposed by the Charter Review Commission, was amended to (1) rename the Chair and Vice-Chair as Mayor and Vice-Mayor; (2) provide additional limited duties and responsibilities for the Mayor; and (3) authorize the County Commission to delegate selected matters to Commission Committees.

Section 2.06, as proposed by the Charter Review Commission, was renumbered and amended to permit the County Commission to propose Charter revisions, as well as Charter amendments, to the voters.

Section 2.07, as proposed by the Charter Review Commission, was renumbered and amended the Charter to require the County Commission to adopt a non-interference ordinance prohibiting interference by County Commissioners with County employees.

Section 2.11 was amended and a new Article IV created, as proposed by the Charter Review Commission, to replace the position of Commission Auditor with the position of County Auditor, with a specified term of office, and having expanded powers and duties including (1) internal auditing; (2) additional oversight of financial matters; and (3) review of business transactions and practices relating to County government.

Section 3.04, as proposed by the Charter Review Commission, was renumbered to pertain to amendments to the Administrative Code. This new section created a provision requiring the posting of notice and a public hearing prior to the County Commission's consideration and adoption of amendments to the County Administrative Code.

Section 3.09, as proposed by the Charter Review Commission, was created to provide protection for Whistleblowers from retaliatory conduct.

As proposed by the Charter Review Commission, Article V was renumbered and entitled "Public Safety," with a new Section 5.03 providing for (1) the establishment and funding of a communications infrastructure for fire and emergency medical services to facilitate closest unit response for life-threatening emergencies, and support for regional specialty teams; and (2) the establishment of an advisory Fire-Rescue Council to facilitate coordination between the County and Municipalities.

Articles VI, X, and XI, as proposed by the Charter Review Commission, were renumbered and amended to (1) clarify the membership, procedures, and powers of the Charter Review Commission; (2) increase the membership of the Management and Efficiency Study Committee from fifteen to seventeen members; and (3) rename and define the purpose for the Broward Cultural (Affairs) Council.

Article VII, as proposed by the Charter Review Commission, was renumbered and amended the Charter to require that a citizen initiative be placed on the ballot at (1) the next countywide election if 7% of electors' signatures are obtained; and (2) an election to be held between 90 and 120 days if 10% of electors' signatures are obtained.

Section 7.01 E (2), as proposed by the Charter Review Commission, amended the Initiative and Referendum article in the Charter to limit the number of petition signatures obtained from electors in any one County Commission District to 25%.

Article VIII and Article IX, as proposed by the Charter Review Commission, were renumbered and amended to (1) adopt technical amendments relating to the Broward County Planning Council; (2) add consumer representatives to the Electricians' Central

Examining Board; and (3) enact term limits and other technical amendments affecting appointment and removal of members of the Central Examining Boards and the Board of Rules and Appeals.

August 26, 2008

Section 11.09, as proposed by the County Commission, was added to require that, for all elections, beginning with the November 4, 2008, General Election, the County Auditor shall prepare, and the County Commission shall place on the ballot, a financial impact statement for proposed Charter amendments.

November 4, 2008

Section 1.04 P, as proposed by the Charter Review Commission, was created to require the County to enact ordinances protecting citizens' right to a sustainable environment.

Section 1.06, as proposed by the Charter Review Commission, was created to require the County to develop and implement its programs, policies and budget with a regional or countywide focus.

Section 2.05 E, as proposed by the Charter Review Commission, was created to establish the recusal procedures County Commissioners must follow in the event of a voting conflict or the appearance of a voting conflict.

Section 2.07, as proposed by the Charter Review Commission, was created to provide that, except for formal inquiries and investigations, the County Commission and its members shall deal with County officers and employees within the County Administrator's chain-of-command "solely through the County Administrator."

Section 2.16, as proposed by the Charter Review Commission, was created to provide for the imposition of penalties for violations of Section 2.05 E or Section 2.07.

Section 8.13, as proposed by the Charter Review Commission, was created to designate County parks as either Natural Area Parks or Regional Parks, and to prohibit the sale, transfer or change of use of such parks without an affirmative vote of at least sixty percent (60%) of the County electors.

Section 10.01 B, as proposed by the Charter Review Commission, was amended to require the appointment of members of the Management and Efficiency Study Committee on the first Tuesday in June 2009, and every six (6) years thereafter.

Section 11.07, as proposed by the Charter Review Commission, was created to establish the Broward County Housing Council to advise the County Commission, and facilitate coordination among government, business and not-for-profit groups, on housing issues.

Section 11.08, as proposed by the Charter Review Commission, was created to establish the Broward County Ethics Commission responsible for drafting a Code of Ethics regulating the conduct of County Commissioners, to be considered for passage by the County Commission and/or the County electors.

November 2, 2010

Section 6.01 A, as proposed by the County Commission, was amended to require that the Charter Review Commission meet every ten (10) years, instead of every six (6) years, in years ending in "5."

Section 10.01 B, as proposed by the County Commission, was amended to require that the Management and Efficiency Study Committee meet every ten (10) years, instead of every six (6) years, in years ending in "0."

Section 11.01 C, as proposed by the County Commission, was amended to establish that a County ordinance shall prevail over municipal ordinances whenever the County acts to regulate the conduct of elected officials, appointed officials, and public employees through a code of ethics.

Section 11.10, as proposed by the County Commission, was created to establish that County constitutional officers are subject to the County Code of Ethics.

Section 12.01, as proposed by the County Commission, was created to establish the County Office of Inspector General.

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Charter of Broward County, Florida