

**BROWARD COUNTY CHARTER REVIEW COMMISSION**

**MEMORANDUM NO. 2017-027**

TO: Thomas McDonald, Chair  
Members of the Charter Review Commission

CC: Carlos Verney, Executive Director  
Madison Cerniglia, Assistant Executive Director

FROM: Samuel S. Goren, General Counsel *SSG*  
Jacob G. Horowitz, Assistant General Counsel *JGH*  
Michael D. Cirullo, Assistant General Counsel *MDC*  
David N. Tolces, Assistant General Counsel *DTN*

DATE: November 22, 2017

RE: Broward County Charter Review Commission (“CRC”) / Governance Committee –  
Fair District Amendment

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At the direction of the Governance Subcommittee (“Subcommittee”), the General Counsel’s Office has prepared language amending Section 2.01 of the Broward County Charter applying the language from the Fair District Amendment of the Florida Constitution to the County’s commission districts. A copy of the proposed Charter amendment is attached hereto as Exhibit “A.” The Subcommittee is transmitting this language to the CRC for further consideration.

I. SUMMARY

The Charter currently requires the County Commission to divide Broward County into nine (9) single-member districts of contiguous territory as nearly as equal in population as practicable, utilizing the most recent decennial census. This is required to occur no later than December 31 of the year of publication of each decennial census.

The proposed amendment would apply the language from the Fair District Amendment of the Florida Constitution to the County’s commission districts. As we detailed in our Memorandum No. 2017-005, dated February 14, 2017, and Memorandum No. 2017-018, dated August 29, 2017, the Fair District Amendment currently applies only to Florida’s legislative and congressional districts.

II. ADDITIONAL CONSIDERATION

As detailed in our Memorandum No. 2017-026, dated November 21, 2017, the Fair District Amendment proposal is legally compatible and consistent with the proposal related to the engagement of a college or university to facilitate the County’s redistricting process. These items are not mutually exclusive. However, as we noted, each proposal offers material changes to

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Section 2.01 of the Charter. In the event that both items are placed on the ballot and both items pass, it will be necessary to further revise Section 2.01 in order to harmonize both proposals. One option would be to create a new Charter section entitled "Redistricting," which could embrace both items. Should both items be placed on the ballot by the CRC and approved by the electorate, the General Counsel's Office would be willing to work with the County Attorney's Office to re-codify and re-organize this section, as necessary.

Please contact our office if there is any additional information that we can provide.

**EXHIBIT "A"**

**Proposed Charter Language Regarding Standards for Establishing County Commission  
District Boundaries**

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**Article II – Legislative Branch: County Commission**

**Sec. 2.01. - Composition, redistricting, 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, as provided for herein. 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.

Standards for Establishing County Commission District Boundaries – In establishing County Commission boundaries:

(a) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

~~(1)~~(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.

~~(2)~~(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.