

**ORDINANCE NO. - 02-28**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, CONCERNING ELECTION CAMPAIGN FINANCE; PROVIDING FOR RESTRICTIONS ON POLITICAL CONTRIBUTIONS BY VENDORS, CORPORATIONS, ASSOCIATIONS AND INDIVIDUALS TO CANDIDATES SEEKING ELECTION TO THE MIAMI LAKES TOWN COUNCIL; PROVIDING FOR FINES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Miami Lakes recognizes that political speech and political association are fundamental rights protected by the First Amendment of the United States Constitution; and

**WHEREAS**, the Town Council of the Town of Miami Lakes further recognizes that persons have an absolute right to support political ideas and that the right to support political candidates is subject to the qualified power of the Town Council to adopt and enforce requirements that are narrowly tailored to accomplish a legitimate, compelling government interest; and

**WHEREAS**, the Town Council desires to protect the integrity of the electoral process for candidates for elective municipal office in which candidates who lack substantial personal or family wealth must depend on the financial contributions of supporters to provide the funds necessary to conduct a successful campaign; and

**WHEREAS**, the Town has a compelling governmental interest in maintaining public confidence in its elected officials and in avoiding public corruption and improper influence by vendors, corporations, and individuals; and

**WHEREAS**, the Town Council believes that the provisions of this ordinance will alleviate these factors, and encourage qualified persons to seek elective office who would not, or could not, otherwise do so; and

**WHEREAS**, the Town Council finds that the making of campaign contributions by vendors of the Town to candidates for Mayor and Town Council carries a suggestion that the candidate, if elected, might give *quid pro quo* favors to the vendors; and

**WHEREAS**, the Town Council finds that the granting of *quid pro quo* favors to vendors is improper and corrupt, and the mere appearance of granting such favors undermines the confidence of the public in our municipal system of representative democracy; and

**WHEREAS**, the Town Council finds that campaign contributions generated by corporations and incorporated associations have a disproportionate impact *vis-à-vis* contributions from individuals. This creates an environment in which (1) public officials may be influenced by special interests to the detriment of the public interest, and (2) the public has the perception that elected officials are being influenced by special interests to the detriment of the public interest; and

**WHEREAS**, Section 106.08, Florida Statutes limits individual campaign contributions to \$500.00 per person to any candidate for elected office and the Town Council finds that it is appropriate to further limit campaign contributions to \$250.00 per person for any candidate for an elected Town office; and

**WHEREAS**, the Town Council intends that the provisions of this ordinance will prevent the abuses associated with campaign contributions and expenditures.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AS FOLLOWS:**

**Section 1.** **Title.** This ordinance shall be known as the “Miami Lakes Campaign Finance Ordinance”.

**Section 2.** **Applicability.** The provisions of this ordinance shall be applicable to all campaigns for election to the office of Mayor or Councilmember of the Town Council of the Town of Miami Lakes taking place after the effective date of this Ordinance.

**Section 3.** **Definitions.** For the purposes of this Chapter, the following words and phrases shall be defined as follows:

1. “Business Entity” means any corporation, firm, partnership, joint venture, joint stock company, estate, trust, business trust or syndicate.
2. “Candidate” means a candidate for the office of Mayor or Councilmember.
3. “Contribution” means:
  - (a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.
  - (b) A transfer of funds between political committees, between committees of continuous existence, or

between a political committee and a committee of continuous existence.

- (c) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.
- (d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. This definition shall not be construed to include editorial endorsements.

- 4. "Expenditure" means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing

account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

5. "Person" means an individual specifically excluding any club, organization or other combination of individuals having collective capacity. The term does not include political parties, political committees, and committees of continuous existence.

6. "Political committee" means a combination of two or more individuals, the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of \$250. Organizations which are certified by the Florida Department of State as committees of continuous existence pursuant to Section 106.04, Florida Statutes, national political parties, and the state and county executive committees of political parties

regulated by Chapter 103, Florida Statutes, shall not be considered political committees for the purposes of this ordinance. Corporations regulated by Chapter 607 or Chapter 617 of the Florida Statutes, or other business entities formed for purposes other than to support or oppose issues or candidates are not political committees if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

7. "Unincorporated association" means a partnership or any other legal entity other than a natural person or corporation.

8. "Vendor" is a person who is currently transacting business with the Town, or has been approved by the Town Council to transact business with the Town, or is listed on the Town Council's approved vendor list for particular goods or services.

**Section 4. Prohibited Campaign Contributions by Vendors.**

1. It is unlawful for any person or business entity who is a vendor to the Town to make a campaign contribution directly, indirectly, through a political committee, or through any other person or business entity to a candidate or to the political committee of a candidate.

2.. It is unlawful for any candidate or political committee of a candidate to solicit or to knowingly accept or receive any campaign contribution

banking laws and regulations in the ordinary course of business; however, any such loan shall be included in the reports filed by the candidates and political committees. No provision of this ordinance shall be deemed to prohibit the receipt of interest or dividends on investments where the interest or dividends are received in accordance with the applicable banking laws and in the ordinary course of business. Any such interest and dividends shall be included in the financial records maintained by the candidate and political committees and reports where appropriate.

3. No provisions of this ordinance shall be deemed to prohibit direct private communications by a corporation to its stockholders and their families or by an unincorporated association to its members and their families on any subject; nonpartisan registration and get-out-vote campaigns by a corporation aimed at stockholders and their families or by an unincorporated association aimed at its members and their families; and the establishment, and administration by a corporation or an incorporated association of a separate segregated fund which fund is to be created by voluntary individual contributions, including those solicited by the corporation or unincorporated association and to be utilized for political purposes, provided that any such separate segregated fund shall be deemed to be a political committee for purposes of this ordinance and must comply with the requirements of Chapter 106, Florida Statutes, regardless of the level of expenditures or contributions.

**Section 6. Limitations on Contributions and Expenditures.**

1. It is unlawful for any person to make a contribution or expenditure in excess of two hundred and fifty dollars (\$250.00) either directly, indirectly, or through a political committee to any candidate during one election.

2. It is unlawful for any candidate, political committee, business entity or person to knowingly accept or receive any campaign contribution or expenditure prohibited by this ordinance. The contribution and expenditure limits of this ordinance apply to each election. The primary and run-off elections are separate elections so long as the candidate is not an unopposed candidate as defined in Section 106.011(15), Florida Statutes.

**Section 7. Penalties.**

1. In addition to any other penalties that may be applicable, each violation of the provisions this ordinance shall be punishable as a non-criminal infraction by a fine of \$500.

2. Each act of soliciting, giving or receiving a contribution in violation of this ordinance shall constitute a separate violation.

3. All fines received by the Town resulting from a violation of this Ordinance shall be deposited into the Town's general revenue fund.

4. The provisions of this Ordinance shall be administered by the Town Clerk.

**Section 7. Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason



be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 8. Inclusion in the Code.** It is the intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Miami Lakes, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

**Section 9. Effective date.** This ordinance shall take effect immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Simon, who moved its adoption on first reading. The motion was seconded by Pizzi and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on first reading this 11<sup>th</sup> day of November, 2002.

The foregoing Ordinance was offered by Councilmember **Thomson**, who moved its adoption on second reading. The motion was seconded by Councilmember **Simon**, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	Yes
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directly or indirectly from a person or business entity who is a vendor or through a political committee or any other person on behalf of the vendor.

3. A vendor who directly, indirectly, through a political committee, or through any other person or business entity makes a contribution to a candidate shall be disqualified for a period of six (6) months from transacting business with the Town. This prohibition on transacting business with the Town may be waived by a vote of a majority of the Town Council.

**Section 5. Prohibited Campaign Contributions and Expenditures by National or State Banks, Corporations, Unincorporated Associations or Business Entities.**

1. It is unlawful for any national or state bank, corporation incorporated under the laws of the State of Florida or any other state or any foreign country, any unincorporated association, or other business entity to make a contribution or expenditure in connection with the election of any candidate for election to the office of Mayor or Councilmember. It is unlawful for any candidate, political committee of a candidate, or other person to knowingly accept or receive any contribution prohibited by this section. It is unlawful for any officer or any director of any corporation, bank, or unincorporated association, or other business entity to consent to any contributions or expenditures by a corporation, bank, unincorporated association or other business entity prohibited by this section.

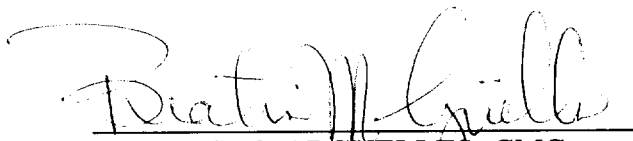
2. No provision of this ordinance shall be deemed to prohibit a loan of money by a national or state bank made in accordance with the applicable

Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes


PASSED AND ADOPTED on second reading this 16<sup>th</sup> day of December, 2002.

  
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WAYNE SLATON  
Mayor

ATTEST:

  
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BEATRIS M. ARGUELLES, CMC  
TOWN CLERK

APPROVED AS TO FORM:

  
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WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.  
TOWN ATTORNEY