

ORDINANCE No. 04-47

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, CONCERNING ELECTION CAMPAIGN FINANCE; PROVIDING FOR RESTRICTIONS ON FUNDRAISING AND REPORTING DATES FOR CANDIDATES SEEKING ELECTION TO THE MIAMI LAKES TOWN COUNCIL; PROVIDING FOR A TITLE; PROVIDING FOR FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR DATES FOR CAMPAIGN FUNDRAISING; PROVIDING FOR TOWN CAMPAIGN REPORTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council 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 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 has a compelling governmental interest in maintaining public confidence in its elected officials and in avoiding public corruption and improper influence in Town elections; and

WHEREAS, the Town Council adopted Ordinance No 02-28 on December 16, 2002 to limit campaign contributions for Town elections to \$250.00 per person and to prohibit corporations, banks and other business entities from contributing to campaigns for Town elections; and

WHEREAS, the Town Council finds that the Florida Election Code dates for fundraising and filing reports does not allow sufficient time for voters to examine the campaign finance practices of candidates for election, prior to casting a vote; and

WHEREAS, the Town Council intends that the provisions of this ordinance will prevent the possible abuses associated with campaign contributions and expenditures and promote timely disclosure of campaign contributions in Town elections.

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

Section 1. The Town Code of the Town of Miami Lakes is amended to create the following Chapter:

Sec. 1. Title. This ordinance shall be known as the “Miami Lakes Campaign Fundraising and Reporting Ordinance.”

Sec. 2. Findings. The Town Council of the Town of Miami Lakes finds that:

1. Political speech and political association are fundamental rights protected by the First Amendment of the United States Constitution.
2. 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.
3. The Town has a compelling governmental interest in maintaining public confidence in its elected officials and in avoiding public corruption and improper influence in Town elections.
4. The ability of Town residents to examine the amounts and sources of campaign contributions made pursuant to Town elections, prior to voting in those elections provides an important government interest.

5. Requirements that fundraising for Town elections be concluded at an earlier date, and requirements that campaign reports be filed with sufficient time to allow for resident's examination of those reports prior to the date of the election provides for a means closely drawn to achieve an important government interest.

6. Requiring all campaign fundraising to be concluded on the 7th day preceding an election, instead of the 5th day as required by Florida law, provides for the least restrictive means of achieving this goal.

7. Requiring that all candidates file a campaign report with the Town on the date following the last day of fundraising further achieves this goal.

Sec. 3. 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.

Sec. 4. Dates for Campaign Fundraising.

Notwithstanding the provisions of Section 106.08, Florida Statutes, all campaign contributions must be received by the candidate or the campaign treasurer no later than seven (7) days prior to the date of the election.

Sec. 5. Town Campaign Reports.

1. All candidates for Town elections shall file a Town Campaign Report, which shall be in the same format as the campaign report described in Section 106.07, Florida Statutes.

2. Town Campaign Reports shall only be filed once and shall include all contributions and expenditures up to midnight of the 7th day preceding the election.

3. A Town Campaign Report shall be due on the 6th day preceding the date of the corresponding Town election.

4. A Town Campaign Report shall be deemed timely if hand delivered to the Town Clerk no later than 5:00 p.m., or if postmarked by midnight, on the 6th day preceding the corresponding election date. If filing by the United States Postal Service or an established courier company, the filing shall be by priority overnight mail, so that the Town would receive the report by the 5th day preceding the election.

Sec. 6. Penalties.

1. Each violation of Section 4 of this ordinance shall be punishable pursuant to Sections 106.08(7) and 106.08(8), Florida Statutes.

2. Failure to file a timely Town Campaign Report shall be punishable by a fine of \$500.00 and \$100.00 for each additional day late, and such fine shall be enforced pursuant to the procedures of Chapter 8CC of the Town Code.

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

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

5. The provisions of this Chapter shall be administered by the Town Clerk.

Section 2. 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 3. 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 4. Effective date. This ordinance shall take effect immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember **Pizzi**, who moved its adoption on first reading. The motion was seconded by **Thomson** and upon being put to a vote, the vote was as follows: 7-0

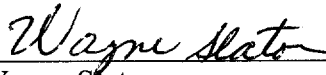
Councilmember Mary Collins	<u>YES</u>
Councilmember Robert Meador, II	<u>YES</u>
Councilmember Michael Pizzi	<u>YES</u>
Councilmember Nancy Simon	<u>YES</u>
Councilmember Peter Thomson	<u>YES</u>
Vice Mayor Roberto Alonso	<u>YES</u>
Mayor Wayne Slaton	<u>YES</u>

PASSED AND ADOPTED on first reading this 13TH day of **January, 2004**.

The foregoing Ordinance was offered by Councilmember **Pizzi**, who moved its adoption on second reading. The motion was seconded by Mayor **Slaton**, and upon being put to a vote, the vote was as follows: 7-0

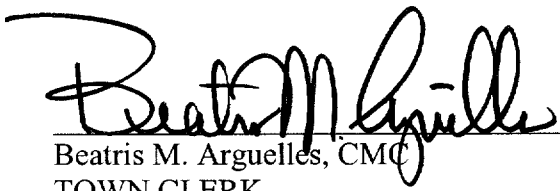
Councilmember Mary Collins	<u>YES</u>
Councilmember Robert Meador, II	<u>YES</u>
Councilmember Michael Pizzi	<u>YES</u>
Councilmember Nancy Simon	<u>YES</u>
Councilmember Peter Thomson	<u>YES</u>
Vice Mayor Roberto Alonso	<u>YES</u>
Mayor Wayne Slaton	<u>YES</u>

PASSED AND ADOPTED on second reading this 11th day of **February**, 2004.




Wayne Slaton
MAYOR

ATTEST:



Beatris M. Arguelles, CMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza, Guedes
Cole & Boniske, P.A.
TOWN ATTORNEY