

ORDINANCE No. 04-49

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ELECTIONS; CREATING A CHAPTER IN THE TOWN CODE DEALING WITH QUALIFICATIONS FOR TOWN ELECTIONS; PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR QUALIFYING DATES; PROVIDING FOR SPECIAL ELECTIONS; PROVIDING FOR QUALIFICATION PROCEDURES; PROVIDING FOR WRITTEN NOTICE OF CANDIDACY; PROVIDING FOR TOWN CLERK REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, The Town of Miami Lakes Town Charter, Section 2.4, Qualifications, provides that qualifying dates shall be established at such time and in such manner as may be prescribed by Ordinance; and

**WHEREAS**, past Town Council elections have been held pursuant to the qualifying dates established by the Miami-Dade County Code and Florida Statutes; and

**WHEREAS**, the Town Council wishes to establish qualifying dates for Town Council elections pursuant to the Town Charter.

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

**Section 1.** **Amendments to Code.** The Town Code of the Town of Miami Lakes is hereby amended to create the following chapter:

**Chapter** \_\_\_\_\_

**Sec. 1. Title.** This Ordinance shall be known as the “Miami Lakes Candidate Qualifying Ordinance.”

**Sec. 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.

**Sec. 3. Qualifying dates.** All candidates who meet the criteria set forth in Section 2.4 of the Town Charter seeking election to the office of Mayor or Councilmember of the Town of Miami Lakes shall qualify with the Town Clerk no earlier than the sixty-third (63rd) day and no later than noon on the forty-ninth (49th) day prior to the date of the election at which he/she is a candidate. Notwithstanding this provision, in the event that the forty-ninth (49<sup>th</sup>) day prior to the date of the election falls on a weekend, legal holiday or day that Town Hall is otherwise closed for reasons out of the control of Town staff, the qualifying period shall be extended to the next business day.

**Sec. 4. Special Elections.** In circumstances in which a vacancy on the Town Council is to be filled by special election, the qualifying period shall commence on the first Monday after the Town Council schedules a special election and shall consist of a period of five (5) consecutive days commencing on a Monday at noon and terminating on a Friday at noon. Notwithstanding this provision, in the event that any of the qualifying dates for a special election falls on a legal holiday or day that Town Hall is otherwise closed for reasons out of the control of Town staff, the

qualifying period shall be extended for one additional business day for each day of the qualifying period that Town Hall is closed.

**Sec. 5. Qualification Procedures.** In elections conducted pursuant to the Town Charter, the Town Clerk shall receive the qualification papers, the qualification fee required by Section 2.4 of the Town Charter and the election assessment required by Florida Statutes for all candidates at the Office of the Town Clerk in Town Hall. In the event the candidate opts to qualify by the alternative method, pursuant to Section 99.095, Florida Statutes, the candidate must submit all forms required by Section 99.095 in lieu of the qualification fee. Florida Statutes notwithstanding, qualification papers shall include:

- (1) Appointment of Campaign Treasurer form;
- (2) Written Notice of Candidacy;
- (3) Statement of Candidate form;
- (4) Loyalty Oath;
- (5) Form 1 Statement of Financial Interests;
- (6) Proof of Residency in the Town;
- (7) Proof of Residency in the area in which the candidate is seeking election; and
- (8) Any other documents required by Florida Statutes and Miami Dade County as applicable to the Town.

**Sec. 6. Written Notice of Candidacy.** The written notice of candidacy shall be as follows:

“I, the undersigned, an elector of the Town of Miami Lakes, who

has resided continuously in the Town for at least two (2) years preceding the date of filing of this notice of candidacy; whose residence is \_\_\_\_\_ in the Town of Miami Lakes, hereby announce my candidacy for the office of (Town Council Seat No. \_\_\_\_\_) (Mayor) to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and I hereby agree to serve if elected. If I am running for a Residential Councilmember Seat, I attest that I have resided within the Residential Area I seek to represent for at least one (1) year preceding the date of this filing.

\_\_\_\_\_  
Signature of Candidate

Date and Hour of Filing:

\_\_\_\_\_  
Received by:  
/s/  
Town Clerk/Election Official"

**Sec. 7. Town Clerk Review.** Upon receipt of the qualification papers and fee, or alternative documentation, as specified in Section 5, the Town Clerk shall examine same to determine compliance with the applicable election laws of the State of Florida and compliance with the applicable provisions of the Town Charter. If the Town Clerk finds:

- a) That the qualification papers of a candidate, on their face, are not in compliance with the applicable election laws of the State of Florida and in compliance with both the applicable provisions of the Town Charter; or
- b) That the qualification papers of any candidate, on their

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face, are incomplete or defective, and are incomplete or defective at the end of the qualifying period; or

- c) That the qualification fee and the election assessment have not been paid, or alternative method documentation has not been submitted, in accordance with law; or
- d) That a sworn written statement is or has been filed by a qualified elector of the Town challenging the qualifications of a candidate for Town office;

the Town Clerk is hereby authorized and directed to file and prosecute an appropriate action in the Circuit Court for Miami-Dade County, in the name of the Clerk, solely for the purpose of receiving a judicial determination with regard to the qualifications of the candidate.

If the Town Clerk finds that all forms are in compliance with the Florida Statutes, the Town Charter and the Town Code, then the candidate shall be certified as a candidate for the appropriate Town election and the Town Clerk shall forward the appropriate documentation to the County Supervisor of Elections.

**Section 2. Repeal of Conflicting Provisions.** All provisions of the Town Code which are in conflict with this Ordinance are hereby repealed.

**Section 3. 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 4. Inclusion in the Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Miami Lakes Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Effective Date.** This Ordinance shall become effective upon adoption on second reading.

The foregoing Ordinance was offered by: Simon, 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:

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 13<sup>th</sup> day of April, 2004

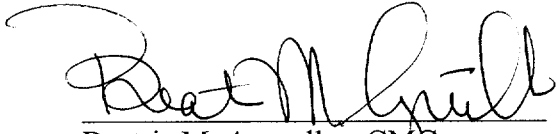
The foregoing Ordinance was offered by: Collins, who moved its adoption on first reading. The motion was seconded by Meador, and upon being put to a vote, the vote was as follows:

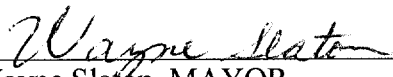
Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Absent</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

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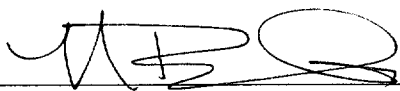
**PASSED AND ADOPTED** on **SECOND READING** this 11<sup>th</sup> day of May, 2004

Attest:

  
\_\_\_\_\_  
Beatris M. Arguelles, CMC  
TOWN CLERK

  
\_\_\_\_\_  
Wayne Slaton, MAYOR

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

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