

ORDINANCE NO. 12-144

AN ORDINANCE OF THE TOWN OF MIAMI LAKES FLORIDA, RELATING TO ELECTIONS; AMENDING ORDINANCE NO. 04-49 TO PROVIDE NEW QUALIFYING DATES FOR TOWN ELECTIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCLUSION IN THE CODE; 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, Miami-Dade County has now changed its requirement for candidates qualifying dates; and

WHEREAS, the Town Council wishes to amend the qualifying dates for Town Council elections pursuant to the Town Charter to comply with Miami-Dade County requirements.

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

Section 1. Recitals. The recitals to the preamble herein are incorporated by reference.

Section 2. Amendments to Code. Ordinance No. 04-49 of the Town Code of the Town of Miami Lakes is hereby amended as follows:

Chapter _____.

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

Sec. 2. Applicability. The provision 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 noon on the last Monday of July ~~the sixty-third (63rd) day~~ and no later than noon on the ~~forty-ninth (49th)~~ 7th business day thereafter ~~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 (49th) day prior to the date of the election falls on a weekend, legal holiday or day that~~ Town Hall is otherwise closed for any reason on the last day of qualifying, for reasons out of the control of Town staff, the qualifying period shall be extended until noon of the next business day.

In the event that Miami-Dade County changes its regulations for elections from those set forth above, the Town Clerk shall set dates for qualifying so as to comply with the revised Miami-Dade County dates.

Sec. 4 Special Election. 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 election 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 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.

[END OF ORDINANCE]

Section 3. Repeal of Conflicting Provisions. All provisions of the Town Code which are in conflict with this Ordinance are hereby repealed.

Section 4. 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 5. 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 change to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective upon adoption on second reading.

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

Mayor Michael Pizzi	<u>Yes</u>
Vice-Mayor Ceasar Mestre	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Nelson Hernandez	<u>Yes</u>
Councilmember Nick Perdomo	<u>Yes</u>
Councilmember Richard Pulido	<u>Yes</u>

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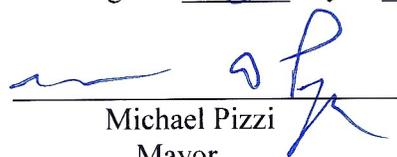
Ordinance No. 144

PASSED AND ADOPTED on first reading this 14 day of February, 2012.

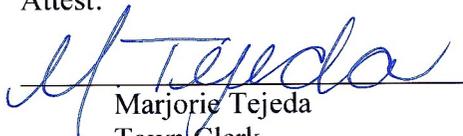
The foregoing Ordinance was offered by Councilmember Mary Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Nick Perdomo and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	<u>YES</u>
Vice-Mayor Ceasar Mestre	<u>YES</u>
Councilmember Mary Collins	<u>YES</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Nelson Hernandez	<u>YES</u>
Councilmember Nick Perdomo	<u>YES</u>
Councilmember Richard Pulido	<u>YES</u>

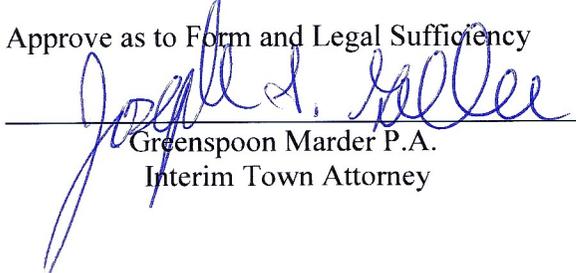
PASSED AND ADOPTED on second reading this 13 day of March, 2012.



Michael Pizzi
Mayor

Attest:


Marjorie Tejeda
Town Clerk

Approve as to Form and Legal Sufficiency


Greenspoon Marder P.A.
Interim Town Attorney