

ORDINANCE NO. 13-165

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, CONCERNING ELECTION CAMPAIGN FINANCE AND REPORTING; REPEALING THE MIAMI LAKES CAMPAIGN FUNDRAISING AND REPORTING ORDINANCE; PROVIDING FOR THE APPLICABILITY OF STATE LAW; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Miami Lakes has previously enacted the “Miami Lakes Campaign Fundraising and Reporting Ordinance” to regulate elections within the Town, pursuant to certain findings; and

WHEREAS, the 2013 Florida Legislature adopted Chapter 2013-37, Laws of Florida, providing for comprehensive campaign finance reform; and

WHEREAS, the comprehensive campaign finance reform enacted by the Florida Legislature, addressed many of the issues previously provided for by the Town Code, including increased frequency of reporting, and also updated campaign finance laws to conform with recent developments; and

WHEREAS, in general, there is no longer a necessity for separate Town Code regulation of campaign finance, in view of the recent comprehensive Campaign Finance Reform law adopted by the Legislature; and

Whereas, the Town Council believes that there should continue to be a prohibition on contributions from Town Vendors to candidates for Town Council or Mayor;

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. Provisions of State Law. The Town of Miami Lakes Code provisions enacted by Ordinances 02-28 and 04-47, known as the “Miami Lakes Comprehensive Fundraising and Reporting Ordinance”, are hereby repealed, and henceforth all Town of Miami Lakes elections shall be governed by the provisions of State law as are in force at the time of the election, pursuant to Florida Statutes, except as set forth herein.

Section 3. Creation of Code Section Pertaining to Vendor Contributions. Article III (Limitation on Campaign Contributions by Vendors) of Chapter 10 (Elections) of the Municipal Code of the Town of Miami Lakes is hereby created, and shall read as follows:

Sec. 10-52. Prohibited campaign contributions by vendors.

A. DEFINITIONS:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business entity means any corporation, firm, partnership, joint venture, joint stock company, estate, trust, business trust or syndicate.

Candidate means a candidate for the office of Mayor or Councilmember.

Contribution means:

- (1) 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.
- (2) A transfer of funds between political committees.
- (3) 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.

- (4) 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 the term "contribution," the term 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.

Expenditure.

- (1) The term "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.
- (2) However, the term "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.

Person.

- (1) The term "person" means an individual, specifically excluding any club, organization or other combination of individuals having collective capacity.
- (2) The term does not include political parties or political committees.

Political Committee.

- (1) Shall be defined as that definition for "political committee" set forth in Sect. 106.011(16)(a), Florida Statutes

Unincorporated Association.

- (1) Means a partnership or any other legal entity other than a natural person or corporation.

Vendor

- (1) 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.

- B. 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.
- C. It is unlawful for any candidate or political committee of a candidate to solicit or to knowingly accept or receive any campaign contribution 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.
- D. 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 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.
- E. Penalties.
 - (a) In addition to any other penalties that may be applicable, each violation of the provisions of this article shall be punishable as a noncriminal infraction by a fine of \$500.00.
 - (b) Each act of soliciting, giving or receiving a contribution in violation of this article shall constitute a separate violation.
 - (c) All fines received by the Town resulting from a violation of this article shall be deposited into the Town's general revenue fund.
 - (d) The provisions of this article shall be administered by the Town Clerk.

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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. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 6. **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 7. **Effective Date.** This ordinance shall take effect immediately upon adoption on second reading.

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

Mayor Wayne Slaton	no
Vice Mayor Manny Cid	yes
Councilmember Tim Daubert	yes
Councilmember Tony Lama	yes
Councilmember Ceasar Mestre	yes
Councilmember Frank Mingo	yes
Councilmember Nelson Rodriguez	yes

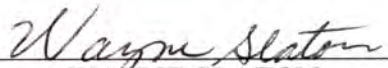
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PASSED AND ADOPTED on first reading this 8th day of October, 2013.

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

Mayor Wayne Slaton	No
Vice Mayor Manny Cid	Yes
Councilmember Tim Daubert	Yes
Councilmember Tony Lama	Yes
Councilmember Ceasar Mestre	Yes
Councilmember Frank Mingo	Yes
Councilmember Nelson Rodriguez	Yes

PASSED AND ADOPTED on second reading this 12th day of November, 2013.



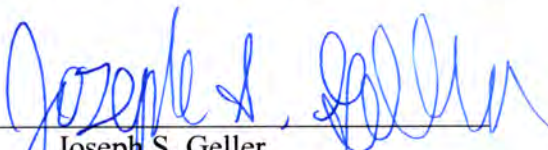
WAYNE SLATON
MAYOR

Attest:

Approve as to Form and Legal Sufficiency



Marjorie Tejada
TOWN CLERK



Joseph S. Geller
Greenspoon Marder PA
TOWN ATTORNEY