

**CHARTER REVISION BOARD MEETING**  
FORT LAUDERDALE EXECUTIVE AIRPORT  
RED TAILS CONFERENCE ROOM  
6000 NW 21<sup>ST</sup> AVENUE, FORT LAUDERDALE, FL 33309  
THURSDAY, JUNE 06, 2024, 5:30 PM

**AGENDA**

- I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- II. DETERMINATION OF QUORUM**
- III. BOARD FOLLOW UP DISCUSSION FROM MAY 21<sup>ST</sup> COMMISSION MEETING WORKSHOP**
  - List of charter sections suggested for revision
  - Goal setting for Charter Revision Board
  - Charter Revision Board report to City Commission
- IV. CHARTER REVISION BOARD DISCUSSION**
- V. PUBLIC INPUT**

**ADJOURN**

**PURPOSE:** ADVISE THE CITY COMMISSION ON THE PROPRIETY OF THE EXISTING CHARTER AND, FURTHER, TO MAKE SUCH SUGGESTIONS AND RECOMMENDATIONS TO PERFECT SAID CHARTER SO AS TO ESTABLISH A BETTER GOVERNMENT OF AND FOR THE CITY.


**NOTE:** TWO OR MORE CITY COMMISSIONERS AND/OR ADVISORY BOARD MEMBERS MAY BE PRESENT AT THIS MEETING. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, HE/SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IF YOU DESIRE AUXILIARY SERVICES TO ASSIST IN VIEWING OR HEARING THE MEETINGS, OR READING MEETING AGENDAS AND MINUTES, PLEASE CONTACT THE CITY CLERK AT (954) 828-5002 AND ARRANGEMENTS WILL BE MADE TO PROVIDE THESE SERVICES.



**Memorandum No: 23-013**

**City Attorney's Office**

**To:** Honorable Mayor and Commissioners  
**From:** D'Wayne M. Spence, Interim City Attorney   
**Date:** February 22, 2023  
**Re:** List of Charter Sections Suggested for Revision

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Pursuant to your request, the following is former City Attorney Alain E. Boileau's list of Charter sections that should be addressed:

- Section. 4.06 - Acting city manager upon resignation of or during absence or disability of city manager. *The current requirements of this charter section are deem impractical and are not followed.*
- Section 10.03 - Public hearings and public notice. *The notice requirement for public meetings should be revised to be consistent with state law.*
- Section 3.12 - Special meetings—How called. *The notice requirements for special meetings should be revised to be consistent with state law. (i.e., 6 hours insufficient under state law)*
- Section 3.03 - Qualification of members; forfeiture of office. *Commissioner Glassman requested that the minimum age of eligibility to hold the office of city commissioner to be reduced from the age of 21 years.*
- Sections 3.08 - Forfeiture of office and 6.06 - City commission involvement prohibited. *The sections are inconsistent as Section 3.08 provides that if a city commissioner violates Section 6.06, she or he "shall forfeit" his or her office, while Section 6.06 only provides for the possibility of removal from office.*
- Section 7.16 - Election; tie vote; primary election to fill one vacancy. *Clean-up item to remove the reference to primary elections.*
- Article VII. – Public Property. *The notice requirement for the sale or leases of public land should be consistent with state law.*

Please note that the Charter Revision Board has requested that our office provide a list of sections that are inconsistent with current law. That list is presently being compiled and will be provided to the board at a later date.



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
CONFERENCE MEETING**

**#23-0133**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Greg Chavarria, City Manager

**DATE:** January 24, 2023

**TITLE:** Goal Setting for Charter Revision Board - **(Commission Districts 1, 2, 3  
and 4)**

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The Charter Revision Board advises the City Commission on the propriety of the existing charter and, further, provides recommendations to perfect said charter so as to establish a better government of and for the City.

The City Commission has requesting for the Charter Revision Board to convene. This discussion item serves as an opportunity for the City Commission members to provide feedback on goals they would like the Charter Revision Board to support. To facilitate discussion of this item, the minutes of the last two meetings are being provided.

On October 4, 2018, the Charter Revision Board convened to discuss proposed charter revisions and topics of discussion for the joint workshop (Exhibit 1). On October 15, 2018, the City Commission and the Charter Revision Board met for a Joint Workshop to discuss the City's election process (Exhibit 2).

Additionally, on January 22nd, 2019, the City Commission adopted Ordinances, C-18-46 (Exhibit 3) and C-18-47 (Exhibit 4) which changed the election terms.

**Attachments**

Exhibit 1 – October 4, 2018, Agenda and Draft Meeting Minutes

Exhibit 2 – October 15, 2018, Meeting Minutes

Exhibit 3 – Ordinance No. C-18-46

Exhibit 4 – Ordinance No. C-18-47

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Prepared by: Luisa Agathon and Junia Robinson, Neighbor Support

Charter Officer: Greg Chavarria, City Manager

## **AGENDA**

### **CHARTER REVISION BOARD CITY OF FORT LAUDERDALE, FLORIDA**

\*Vice Chair Charlotte Rodstrom will participate telephonically

**DATE:** Thursday, October 4, 2018

**TIME:** 5:30 p.m.

**PLACE:** First Floor Chambers  
City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, Florida 33301

1. Roll Call
2. Approve Minutes from the June 7, 2018, Meeting
3. Chair's Report
4. Public Input
5. **Old Business**
  - **Review of "Clean-Up" Items and "Substantive" Items discussed at the previous Joint Commission Meeting.**
  - **Review of items discussed at the June 8, 2017, Charter Review Board Meeting in which the Board voted to discuss further:**
    - **Section 4.05 – City Manager, appointment, qualifications, compensation.**
    - **Section 4.06 – Acting City Manager upon resignation of or during absence or disability of city manager**
    - **Section 4.07 – Assistant to the City Manager**
6. **New Business**
  - **Items that the Charter Revision Board will like to discuss with the City Commission at the Joint Meeting on October 15, 2018.**
7. Adjourn

**\*PURPOSE:** Advise the City Commission on the propriety of the existing charter and, further, to make such suggestions and recommendations to perfect said charter so as to establish a better government of and for the City.



**DRAFT**

**City of Fort Lauderdale  
Charter Revision Board  
October 4, 2018, 5:30 p.m.**

**1<sup>st</sup> Floor City Commission Chambers – City Hall  
Fort Lauderdale, FL 33301**

<b>MEMBERS</b>		<b>January-December 2018</b>	
		<b>PRESENT</b>	<b>ABSENT</b>
Judith Stern, Chair	P	4	0
Jason King	P	3	1
Wilson Atkinson	P	4	0
Desorae Giles-Smith	A	2	2
Charlotte Rodstrom (by phone)	P	2	0

**Staff Present**

Lee Feldman, City Manager  
 Ryan Henderson, City Manager’s Office - Liaison  
 Paul Bangel, Senior Assistant City Attorney  
 Jeff Modarelli, City Clerk  
 Jamie Opperlee, Prototype, Inc.

**1. Roll Call**

Roll was called at 5:34 p.m. There was a quorum.

**Motion** made by Mr. King, seconded by Mr. Atkinson, to allow Ms. Rodstrom to attend by phone. Motion adopted by consensus.

**2. Approve Minutes from the June 7, 2018, Meeting**

**Motion** made by Mr. King, seconded by Mr. Atkinson, to approve the minutes of the June 7, 2018, meeting as presented. Motion adopted by consensus.

**3. Chair’s Report**

Chair Stern reported they expended a lot of effort to get the public involved to no avail. They tried to get the civic associations engaged, with Mr. Henderson attending those meetings, but nobody appeared to take interest.

Attention has been paid to the issue of the elections, but the charter has not been updated since the 1980s.

**4. Public Input - None**

**5. Old Business**

- **Review of “Clean-Up” Items and “Substantive” Items discussed at the previous Joint Commission Meeting.**

Mr. Atkinson stated that his notes are ready to create a red-lined copy, and he will do that at the board’s pleasure.

Mr. Modarelli confirmed they had sent memos to the City Commission with suggested clean-up items, and those items are contained in documents from Mr. Atkinson. All those clean-up items were forwarded to the City Commission as of the last joint meeting.

Mr. Modarelli recalled they discussed how to package those items to get them on the ballot, and Chair Stern suggested that the Legal Department work on bundling the items to make them less wordy.

Chair Stern asked about the situation where items in the charter might be in conflict with everyday law. Mr. Atkinson advised that the charter has to comply with both County and State laws and also the practicality of it being put into effect.

- **Review of items discussed at the June 8, 2017, Charter Review Board Meeting in which the Board voted to discuss further:** (not addressed)
  - **Section 4.05 – City Manager, appointment, qualifications, compensation.**
  - **Section 4.06 – Acting City Manager upon resignation of or during absence or disability of city manager**
  - **Section 4.07 – Assistant to the City Manager**

## **6. New Business**

- **Items that the Charter Revision Board will like to discuss with the City Commission at the Joint Meeting on October 15, 2018.**

Mr. Atkinson stated to have a primary or not should be addressed at a workshop. He added that if they shift the primary date, they would not have the problem that occurred the last time. (If they realign with the November elections, the primary would probably be in August.)

Chair Stern reviewed the possible configurations for election dates.

Mr. Atkinson noted he would not be present at the joint meeting, and asked that they first consider if they will try to get on the same ballot as the bond measure (March 2019) with

any charter revision changes, or wait until 2020. The deadline to get on that ballot is most likely in early January, according to Clerk Modarelli.

Mr. Atkinson said the second question would be to set the deadline for getting the board's recommendations to the City Commission. It was suggested that each Commissioner discuss the charter changes at their district meetings, and then bring back public input to the board.

Discussion ensued on the timing of the meetings and their relation to the timing of the ballot.

The measures have to go through the Legal Department before being accepted by the City Commission. Also, the Supervisor of Elections will need specific information in order to place it on the ballot. Chair Stern said she spoke with representatives from that office, who said they would be happy to put the timeline/deadlines in writing. The information is also on the website.

Mr. Atkinson was doubtful all the necessary components could be pulled together in the remaining time. However, he agreed that the City Commission needs to weigh in on the matter. If the Commission wants to change the election cycle to November, Chair Stern said she would be amenable to that. Ms. Rodstrom pointed out that if they change the election to November, the terms also have to be changed.

Since changing the election cycle involves possible complex changes to terms, Mr. Atkinson suggested that the board work to get on the March 2019 ballot for a clean-up vote. The other issues could be addressed on the November 2020 ballot.

Chair Stern stated they need a definitive answer from the City Commission at the joint meeting about the conflicting language with State law that now exists in the Charter. She noted that multiple Attorney Generals had opined that a city does not pre-empt the State if the city already has a charter in place.

Ms. Rodstrom asked if all the clean-up changes have to be on the ballot, and Mr. Bangel stated that items like gender neutrality and some combinations could be done off the ballot. Ms. Rodstrom recalled that some items may be done by ordinance. Chair Stern recalled that the discussion was if issues of concern should be charter issues versus issues addressed by ordinance.

Mr. Bangel read from the Statute on Charter Amendments which said that the governing body of a municipality may by ordinance submit to the electors of said municipality a proposed amendment to its charter. The amendment may pertain to all parts of the charter, except the boundaries of the municipality.

Mr. Bangel confirmed that the Commission adopts the ordinance, which directs what goes on the ballot. If the ballot fails, the ordinance fails. Mr. Atkinson requested a formal opinion on that to the board.

Discussion occurred on the City Commission's right to change election dates, noting that even though it followed an Attorney General's opinion, it was not necessarily right.

Mr. Bangel commented that the ordinance is the vehicle for the verbatim language, while the ballot measure just summarizes them.

Discussion ensued on the 2017 change of the makeup of voting members of the board, with Mr. Bangel explaining how ex-officio membership conflicts with the Sunshine Law.

It was noted that getting the clean-up language on the ballot in 2019 will bring the Charter to the public's attention and perhaps add to the voter participation on Charter ballot issues in the future.

The board discussed how to summarize the various changes for the ballot in 75 words, with Mr. King proposing they may have to limit the number of changes.

Ms. Rodstrom referred back to the minutes of April 13, 2017, mentioning several items about the petition process in order to get items on the ballot, asking if they should consider that route as well. Mr. Atkinson explained that was for a different purpose.

Mr. Henderson suggested revising the spreadsheet of clean-up items in order to present it to the City Commission. Items could be prioritized. Mr. Bangel said there is no limit to how many items a City can put on a charter revision ballot. With that in mind, Mr. Atkinson suggested breaking the changes down by section.

Mr. Henderson suggested two items for the joint meeting:

1. Clean-up items
2. Discussion of global election process

If there is enough time, the City Commission could, if they so desired, discuss voting dates, primaries, election cycles, term length, and staggered terms.

Chair Stern recommended that they inform the Commission of the board's discussions, their efforts to get public feedback, and the request for district meetings.

Social media was discussed as a way to generate interest in the Charter and the board meetings.

Ms. Rodstrom asked if the City Commission could make a decision regarding an election in which they may be participants, and Mr. Bangel did not know of a restriction.



Ms. Rodstrom also wanted to know if there were issues that the board should be aware of regarding pros and cons of changing the election (to be discussed under the second agenda item). Chair Stern advised that other municipalities in the County have changed their election dates by ordinance. The date of the primary is in the charter, but it is not in compliance with the activities prescribed in State law. Chair Stern elaborated on the inconsistency and the operations of elections.

Ms. Rodstrom asked about the second item under Old Business, pertaining to the City Manager. Mr. Modarelli explained those were substantive items in the Charter that needed further discussion.

Mr. Henderson read an example of what another municipality did by combining changes to two charter sections into one question.

In response to a question, Mr. Bangel stated that the City Attorneys have not issued a formal opinion on the compliance of the charter with the State Statute, although they have read it.

## **7. Adjourn**

Upon motion duly made and seconded, the meeting was adjourned at 6:48 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

# City of Fort Lauderdale

*City Hall  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
www.fortlauderdale.gov*



## Meeting Minutes

**Monday, October 15, 2018**

**12:00 PM**

**Joint Workshop with Charter Revision Board**

**City Commission Conference Room**

### **CITY COMMISSION WORKSHOP**

***FORT LAUDERDALE CITY COMMISSION***

***DEAN J. TRANTALIS Mayor - Commissioner  
BEN SORENSEN Vice Mayor - Commissioner - District IV  
HEATHER MORAITIS Commissioner - District I  
STEVEN GLASSMAN Commissioner - District II  
ROBERT L. McKINZIE Commissioner - District III***

***LEE R. FELDMAN, City Manager  
JOHN HERBST, City Auditor  
JEFFREY A. MODARELLI, City Clerk  
ALAIN E. BOILEAU, City Attorney***

**CALL TO ORDER**

Mayor Trantalis called the Joint Workshop with the Charter Revision Board to order at 12:17 p.m.

**ROLL CALL**

**Present:** Commissioner Heather Moraitis, Commissioner Steven Glassman, Commissioner Robert L. McKinzie, Vice Mayor Ben Sorensen and Mayor Dean J. Trantalis

**Charter Review Board Members:** Chair Judith Stern (arrived at 12:23 p.m.), Charlotte E. Rodstrom, Desorae Giles-Smith and Jason King

**Not Present:** Wilson Atkinson

**QUORUM ESTABLISHED**

**Also Present:** City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Alain E. Boileau and City Auditor John Herbst

**OLD/NEW BUSINESS****BUS-1** [18-1137](#)

Comprehensive Discussion of City of Fort Lauderdale Election Process

Board Member Charlotte E. Rodstrom gave a summary of the election process, acknowledging new Charter Revision Board (CRB) Members and Commission Members. The CRB requests Commission direction on revising the election process.

Commissioner Glassman inquired about discussion of additional election items. Mayor Trantalis confirmed.

Mayor Trantalis discussed the February primary and March general election dates, and the current three-year election cycle. He also commented on the 2018 primary election date change made at the request of the Broward County Supervisor of Elections (SOE). The change was to allow sufficient time for the return of absentee ballots sent to overseas voters. Chair Judith Stern commented on similar situations in the past. Further discussions ensued on this topic.

Mayor Trantalis opened the floor for discussion on changing election dates. Board Member Rodstrom commented on changing election dates. Further comment and discussion ensued.

Chair Stern commented on allowing sufficient time between the primary election and March general election to comply with State requirements for the SOE. Chair Stern reviewed available options: keeping the March general election and moving the primary election from February to January; or moving the general election to November and holding an August primary election. The City is the only municipality in Broward County (County) that holds primary elections and there is no cost sharing.

Chair Stern said an August primary election could precede a November general election, commenting on the expense of a primary election.

Chair Stern discussed the current Ordinance governing campaign contributions, stating it does not allow corporate contributions. Further comment and discussion ensued on prior efforts to address this topic.

Mayor Trantalis discussed holding primary elections, stating a majority vote would result in the general election. Chair Stern expounded on details associated with general and primary elections. Further comment and discussion ensued.

Vice Mayor Sorensen commented on the cost burden associated with holding a primary election and a general election. He recommended eliminating primary elections, stating that plurality would win and there would be no fifty plus one requirement. Commissioner Glassman concurred. Commissioner McKinzie also concurred, explaining his reasoning and commenting on the extra cost involved with primary elections.

Mayor Trantalis commented on moving the general election date to November. Further comment and discussion ensued. Commissioner Moraitis discussed her position to continue with a March general election date. Commentary and discussion followed.

In response to Commissioner Glassman's question, City Manager Feldman confirmed that 20 out of 31 County municipalities hold November general elections. Further comment and discussion ensued on primary election costs and moving the election date.

In response to Vice Mayor Sorensen, Commissioner Moraitis confirmed her agreement to eliminate primary elections prior to the March general election. Commissioner Moraitis discussed her support for a general election in March and three-year terms for Commission members.

Vice Mayor Sorensen reiterated his position in support of a November

general election, commenting on having increased voter focus. Mayor Trantalis discussed his position, commenting on voter focus regarding local issues. Further comment and discussion ensued.

Commissioner McKinzie discussed his support of a November general election. Discussions ensued on the pros and cons. Chair Stern noted that early voting would be available with November general elections.

Discussions ensued on campaign contributions, its impact on new candidates and a past Ordinance change that reduced the maximum amount of personal contributions. Further commentary ensued on modifying the current Ordinance to reflect State and County limits on campaign contributions.

Chair Stern said the topic of campaign contributions is not addressed in the Charter. It is governed by Ordinance. Discussions ensued on the process to amend the current Ordinance.

Prior to moving forward, Mayor Trantalis requested City Attorney Alain Boileau draft a legal opinion on the Supreme Court's *Citizens United* decision regarding corporate and personal political campaign contributions and its impact on the City. City Attorney Boileau confirmed. There was a consensus on this request. Discussions ensued on how other municipalities address this topic.

Board Member Jason King commented on the proposal to accept corporate donations. Further comment and discussion ensued. Board Member Desorae Giles-Smith noted that a large portion of local municipalities follow State guidelines. Commissioner McKinzie recommended following State guidelines. Discussion ensued on accepting Political Action Committee (PAC) and corporate donations. Commissioner Glassman commented on State limits for a PAC, corporate and personal contributions. Chair Stern commented on previous efforts to mirror County policy.

Mayor Trantalis confirmed consensus of a \$1,000 maximum for individual and corporate political contributions, recommending a survey of how other large, adjacent municipalities address this point. He requested City Manager Feldman research this topic. Further comment and discussion ensued.

Commissioner Glassman commented on the need for better public education and discussion of all Charter revisions.

Discussions ensued on the changing election dates and staggering

terms of Commission members. In response to Vice Mayor Sorensen's question about the impact of changing the general election from March to November, Chair Stern confirmed the cost savings. Because of current three-year terms, there would be an off-year requiring an election. Board Member King commented on other off-year County elections. Chair Stern said off-year elections are held in March. Mayor Trantalis commented on the inconsistency in term lengths at the County and other cities. Further comment and discussion ensued. Chair Stern commented that no changes on this topic have occurred since 1984.

City Manager Feldman commented on a State House of Representatives Bill receiving increased support. It encourages local governments to implement four-year terms with March or November general election dates. Further comment and discussion ensued on four-year terms, term limits and election dates.

Commissioner Glassman confirmed his support of a November general election, commenting on the importance of engaging the public and cost savings. Commissioner McKinzie concurred. Comment and discussion ensued.

Board Member King discussed an August primary election prior to a November general election. Commissioner Moraitis discussed an August primary election with a November general election. She said if the general election remains in March, the primary election should be eliminated. Commissioner Moraitis commented on her concern with the large number of items on the ballot in a November general election.

Vice Mayor Sorensen reiterated his support for November general elections, citing the large amount of citizen engagement. Further comment and discussion ensued. Commissioner McKinzie suggested determining a consensus or majority.

Mayor Trantalis confirmed Commission consensus on the following:

Consistent with the County and State, increasing the maximum personal political campaign contribution to \$1,000;

City Attorney Boileau's preparation of a legal opinion on the impact of the Supreme Court's decision on *Citizens United*;

Mayor Trantalis confirmed a Commission majority on the following:

Acceptance of corporate contributions - maximum \$1,000 (Mayor Trantalis opposed); and

Eliminating election primaries (Mayor Trantalis and Commissioner Moraitis opposed);

November general elections (Mayor Trantalis and Commissioner Moraitis opposed); and

Three (3) four (4)-year terms for Commission Members (Mayor Trantalis opposed);

City Attorney Boileau requested confirmation that the majority only consists of Commission Members. This was confirmed.

In response to City Manager Feldman, Mayor Trantalis reconfirmed his request for Staff to survey corporate donation practices in surrounding municipalities.

Chair Stern left the meeting at 1:24 p.m.

Commissioner Glassman requested confirmation on the following points:

Reconciling the January primary; and

Charter modifications would appear on the March 2019 ballot;

Discussions followed on converting to November general elections and revised term lengths for Commission members. Discussions ensued on ways to abbreviate or extend current terms to accommodate the proposed three (3) four (4)-year terms. There was a consensus for Commissioner Glassman to focus on available alternatives to address this point.

Board Member Rodstrom suggested the option of a simple Charter change for the January primary. There was no discussion on this option.

## **ADJOURNMENT**

Mayor Trantalis adjourned the Joint Workshop with the Charter Revision Board at 1:29 p.m.

ORDINANCE NO. C-18-46

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, THEREBY PROVIDING FOR THE ELIMINATION OF MUNICIPAL PRIMARY ELECTIONS, PROVIDING FOR MUNICIPAL ELECTIONS IN CONJUNCTION WITH THE GENERAL ELECTION IN NOVEMBER 2020 AND EVERY FOUR YEARS THEREAFTER, PROVIDING FOR THE MAYOR AND COMMISSIONERS ELECTED IN 2018 TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED AS A RESULT OF THE NOVEMBER 2020 ELECTION, PROVIDING FOR FOUR-YEAR TERMS FOR THE MAYOR AND COMMISSIONERS BEGINNING IN 2021, PROVIDING FOR THE ORGANIZATION MEETING TO BE ON THE FIRST TUESDAY THAT IS A REGULAR MEETING DAY IN JANUARY FOLLOWING EACH REGULAR ELECTION, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE CONDITIONED ON APPROVAL BY THE ELECTORS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

WHEREAS, the Charter Revision Board has recommended to the City Commission that certain amendments be made to the Charter of the City of Fort Lauderdale, Florida; and

WHEREAS, the City Commission proposes certain amendments to the Charter of the City of Fort Lauderdale, Florida, to be submitted for voter approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

**SECTION 1.** That Section 3.02 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters ~~double-stricken~~ are deletions after first reading; words, symbols, and letters dotted underlined are additions after first reading.



**Sec. 3.02. - Creation, composition and term of commission.**

There is hereby created a city commission composed of one (1) mayor-commissioner and four (4) city commissioners all of whom shall be elected in the manner provided in this charter, shall take office on the first Tuesday that is a regular meeting day in January following their election, and who, beginning in the year 2021, shall hold office for a term of ~~three~~four (3~~4~~) years, or until their successors are elected and qualified. The term of the mayor and four (4) city commissioners that commenced in the year 2018 shall last until such time as their successors are elected and qualified as a result of the 2020 election. No person who has been elected to the office of mayor-commissioner or to the office of city commissioner for three (3) consecutive terms shall be qualified for nomination or election to that office for the succeeding term. This limitation shall apply to terms which commence after the regular election of March 7, 2000. The mayor-commissioner and the four (4) city commissioners are sometimes referred to herein as commissioners or the city commission.

**SECTION 2.** That Section 3.09 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 3.09. - Organization meeting.**

On the first Tuesday that is a regular meeting day in January following each regular election the existing city commission shall meet at the usual place for holding the meetings of the legislative body of the city, for the purpose of transacting any and all necessary business before assumption of office by the newly elected commissioners. At 11:00 a.m. Eastern Standard Time the newly elected city commissioners shall assume the duties of office.

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**SECTION 3.** That Section 3.10 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 3.10. - Special meeting to seat a new member.**

On the first Tuesday following the election of a new member, elected at other than a ~~triennial~~quadrennial regular election, the commission shall meet to receive such new member.

**SECTION 4.** That Section 7.05 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

**Sec. 7.05. -- Primary election.**

~~Beginning with 1988, and every third year thereafter, a regular municipal primary election shall be held on the second Tuesday of February for the purpose of nominating, from those persons qualifying in accordance with section 7.14 hereof, nominees for the office of mayor commissioner and city commissioner unless such primary is made unnecessary pursuant to section 7.06.~~

~~Qualified electors of the City of Fort Lauderdale shall vote for not more than one (1) candidate for the office of mayor commissioner.~~

~~Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.~~

~~The two (2) candidates for the office of mayor commissioner receiving the highest number of votes shall be nominated for the office of mayor commissioner and the two (2) candidates for the office of city commissioner receiving the highest number of votes in each district shall be nominated for the office of city commissioner from that district. However, if any candidate for mayor commissioner or city commissioner receives fifty (50) percent plus one (1) of the votes cast~~

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~~in a primary election for that office, such candidate shall be declared elected to that office and there shall be no regular municipal election for the office for which he was a candidate.~~

SECTION 5. That Section 7.06 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

~~**Sec. 7.06. - When primary election unnecessary.**~~

~~Should the number of candidates qualifying for the office of mayor commissioner or city commissioner be not more than two (2) candidates for any such office, then, and in that event, no primary election for that office shall be held. When the time for qualifying for such primary election has passed, the city clerk shall certify such fact to the city commission, and the city commission shall declare such persons to be nominated for the office of mayor commissioner or city commissioner and have their names printed in the appropriate manner on the ballot for the next regular or special municipal election. However, if there are more than two (2) candidates for the office of mayor commissioner or city commissioner and if those candidates have qualified for a primary election as provided for in this charter, then it shall be the duty of the city commission to hold a primary election.~~

SECTION 6. That Section 7.07 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.07. - General election; regular municipal election.**

Beginning in the year with 19882020, and every ~~third~~fourth year thereafter, a regular municipal election shall be held on the ~~second~~first Tuesday ~~after the first Monday in March~~November for the purpose of electing a mayor-commissioner and four (4) city commissioners. However, should only one (1) candidate qualify for the office of mayor-commissioner or city commissioner, then, and in that event, no regular

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election for that office shall be held and the city clerk shall certify such fact to the city commission and the city commission shall declare such person(s) to be elected to the office of mayor-commissioner or city commissioner.

Qualified electors shall vote for not more than one (1) candidate for the office of mayor-commissioner.

Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.

The nominee receiving the highest number of votes shall be elected to the office for which he was a candidate.

The mayor-commissioner and the city commissioners elected at such election shall serve for terms of ~~three~~four (~~3~~4) years each beginning on the ~~third~~first Tuesday that is a regular meeting day in ~~March~~January following their election and shall serve until their successors are elected and qualified.

**SECTION 7.** That Section 7.08 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.08. - Filling vacancies in commission.**

When there shall exist a vacancy or vacancies in the office of city commissioner, and less than eighteen (18) months ensue before the time provided under this charter for holding the next regular ~~triennial~~quadrennial municipal ~~primary~~election, then such vacancy or vacancies for the unexpired term shall be filled by appointment by resolution adopted by a majority of the remaining members of the city commission; and the person or persons so appointed must possess all of the qualifications of a member of the city commission.

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If a vacancy or vacancies occur in the office of city commissioner, and eighteen (18) months or more ensue before the time provided for holding the next regular ~~triennial~~quadrennial municipal ~~primary~~election, or, if a vacancy should occur at any time in the office of mayor-commissioner then a special municipal ~~primary and~~ election shall be called to fill such vacancy or vacancies.

SECTION 8. That Section 7.09 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

**~~Sec. 7.09. - Special municipal primary election.~~**

~~A special municipal primary election for the purpose of nominating candidates for the office of mayor-commissioner or city commissioner, to fill a vacancy or vacancies on account of death, removal, forfeiture, disqualification, resignation or other cause, except as provided in section 7.08 above, shall be held within sixty (60) days after such vacancy occurs; and the city commission, by resolution, shall fix the time for qualifying for office and of holding such special municipal primary election, which shall not be less than forty five (45) days after adoption of the resolution calling such election.~~

SECTION 9. That Section 7.10 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.10. - Special municipal elections to elect mayor-commissioner or city commissioners.**

A special municipal election for the purpose of electing the mayor-commissioner or a member or members of the city commission, to fill a vacancy or vacancies in the city commission, on account of death, removal, resignation or other cause, shall be held ~~two (2) weeks after the special municipal primary election,~~ in the same manner as provided herein for a regular ~~triennial~~quadrennial election. The city commission may call the ~~special municipal primary election and the special~~

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municipal election by ~~the same~~ resolution. Such resolution shall specify the length of the unexpired term or terms to be filled, and the time of taking office of the elected mayor-commissioner, city commissioner or commissioners; which mayor-commissioner, city commissioner or commissioners shall hold office until their successors, elected in regular ~~triennial~~quadrennial municipal elections, shall take office.

**SECTION 10.** That Section 7.12 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.12. - Elections—How arranged for; creation of districts.**

The city commission shall make all necessary arrangements for holding all city elections, and shall declare the result thereof. The city commission shall adopt a resolution calling any ~~triennial~~quadrennial ~~primary~~ election or special ~~primary~~ election, except as otherwise provided for, stating therein where the same shall be held, and naming the different offices to be filled or questions to be decided, and shall cause the notice of election to be published once each week for two (2) consecutive weeks preceding the day of election in a newspaper published in the city, the first publication or posting to be not less than ten (10) days prior to said election.

Not later than April 1, 1987 the city commission shall, by ordinance, adopt, create and establish four (4) separate and distinct geographical commission districts. Except as is provided herein for noncontiguous parcels, the four (4) districts to be created and established by the city commission shall be of contiguous territory and as approximately equal in population as is practicable. If there are parcels of land which are within the corporate limits of and which are part of the City of Fort Lauderdale, but which parcels are not contiguous to any other parcel or tract of land which is within the corporate limits of the City of Fort Lauderdale, then such noncontiguous parcel(s) shall either be made part of one (1) of the districts to be created as provided for herein or if such parcel(s) has a population approximately equal to the other commission districts to be created, then such parcel(s) may be a

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commission district. In creating and establishing the four (4) city commission districts, the city commission shall use the most recent United States Census data to determine population figures. After the receipt of the published information of each decennial census, the city commission shall reestablish the boundaries of the four (4) commission districts so that the districts shall be as approximately equal in population as is practicable.

Beginning in 1988 all electors of the City of Fort Lauderdale shall be entitled to vote for candidates for the office of mayor-commissioner; however, only the electors of each commission district shall be entitled to vote for candidates for city commissioner from that district.

**SECTION 11.** That this Ordinance shall not take effect unless a ballot measure is approved by a majority of the electors of the City of Fort Lauderdale voting at the election to be held on March 12, 2019. The ballot measure to be submitted shall be in substantially the following form:

Charter Amendment No. \_\_\_\_\_  
Municipal Elections

Should the Charter of the City of Fort Lauderdale be amended to eliminate municipal primary elections and to provide for municipal elections in conjunction with the general election in November 2020 and every four years thereafter, to provide for the mayor and commissioners elected in 2018 to serve until their successors are elected and qualified following the November 2020 election, and to provide for four-year terms for the mayor and commissioners beginning in 2021?

YES, for approval

NO, for rejection

**SECTION 12.** That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

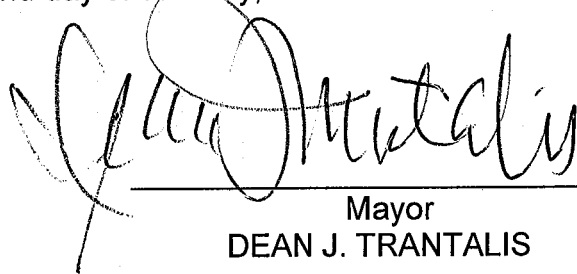
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SECTION 13. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 14. That this Ordinance shall be in full force and effect, as conditioned in Section 11, ten days from the date of certification by the Supervisor of Elections for Broward County, Florida, of approval by the electors of the ballot question.

PASSED FIRST READING this the 18th day of December, 2018.

PASSED SECOND READING this the 22nd day of January, 2019.



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Mayor  
DEAN J. TRANTALIS

ATTEST:



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City Clerk  
JEFFREY A. MODARELLI

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ORDINANCE NO. C-18-47

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, THEREBY PROVIDING FOR GENDER NEUTRALITY, REPLACING THE TERM "MAYOR-COMMISSIONER" WITH "MAYOR," SETTING THE COMPENSATION OF THE CITY AUDITOR AND CITY CLERK BY RESOLUTION OF THE CITY COMMISSION, DELETING REFERENCE TO THE CITY CLERK'S COMPENSATION BEING ESTABLISHED BY THE CITY'S PAY PLAN, DELETING THE TERM "MAYOR PRO TEM," AND CLARIFYING THE PROCEDURE FOR CALLING SPECIAL MEETINGS OF THE CITY COMMISSION, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE CONDITIONED ON APPROVAL BY THE ELECTORS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

WHEREAS, the Charter Revision Board has recommended to the City Commission that certain amendments be made to the Charter of the City of Fort Lauderdale, Florida; and

WHEREAS, the City Commission proposes certain amendments to the Charter of the City of Fort Lauderdale, Florida, to be submitted for voter approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 3.02 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 3.02. - Creation, composition and term of commission.**

There is hereby created a city commission composed of one (1) ~~mayor-commissioner~~ and four (4) city commissioners all of whom shall be elected in the manner provided in this charter, shall take office on

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the first Tuesday following their election, and who shall hold office for a term of three (3) years, or until their successors are elected and qualified. No person who has been elected to the office of ~~mayor-commissioner~~ or to the office of city commissioner for three (3) consecutive terms shall be qualified for nomination or election to that office for the succeeding term. This limitation shall apply to terms which commence after the regular election of March 7, 2000. The ~~mayor-commissioner~~ and the four (4) city commissioners are sometimes referred to herein as commissioners or the city commission.

**SECTION 2.** That Section 3.03 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 3.03. - Qualification of members; forfeiture of office.**

To be eligible to hold the office of ~~mayor-commissioner~~ of the City of Fort Lauderdale, or to qualify for nomination or election as such, the candidate shall have resided in the City of Fort Lauderdale for six (6) months immediately preceding the date of the election, shall continuously reside in the City of Fort Lauderdale, and shall be a resident of the State of Florida and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving any capacity with the city government, except that a city commissioner serving may qualify for election to the office of mayor. Candidates for nomination or election as ~~mayor-commissioner~~ shall comply with all the rules and regulations set out in the charter as to their conduct. Any candidate for ~~mayor-commissioner~~ or any ~~mayor-commissioner~~ who shall cease to possess the qualifications required herein shall forthwith forfeit his office.

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To be eligible to hold the office of city commissioner of the City of Fort Lauderdale, or to qualify for nomination or election as such, the candidate shall have resided in the City of Fort Lauderdale for six (6) months immediately preceding the date of the election, and shall reside in the commission district from which he seeks election on the day he qualifies as a candidate for that office, shall continuously reside in that district and shall be a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; and shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving in any capacity with the city government, except that a city commissioner serving may qualify for reelection. Candidates for nomination or election for the office of city commissioner shall comply with all the rules and regulations set out in the charter as to their conduct. Any candidate for city commission or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his office or candidacy.

**SECTION 3.** That Section 3.12 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 3.12. - Special meetings—How called.**

The mayor, ~~any two (2) members of the city commission,~~ or the city manager, may call special meetings of the city commission upon at least six (6) hours' written or e-mail notice to each member, the city manager, city auditor, city clerk, and city attorney ~~and chief of police,~~ served personally, transmitted by e-mail, or left at his or her usual place of residence. The call notice shall state the general purpose of the meeting. The regularity or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and city clerk is present, or where written waiver of call and consent in writing is filed, shall not be questioned on account of any omission or irregularity in calling such special meeting.

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SECTION 4. That Section 4.01 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 4.01. - Executive officers.**

The ~~mayor-commissioner~~, the city manager, the city clerk, the ~~director of finance and the city attorney~~ are recognized as executive officers of the city and shall severally perform on behalf of the city the following duties:

- (a) The ~~mayor-commissioner~~, the city manager, the director of finance and city clerk shall sign all bonds issued by the city.
- (b) All contracts, agreements, leases or other instruments to which the city is a party and under which the city assumes any liability, shall be executed in the name of the city by the ~~mayor-commissioner~~ and city manager, attested by the city clerk, and the form of any such instrument shall be previously approved by the city attorney or assistant city attorney, provided, however, that where by ordinance or resolution, the execution of short-term leases or other instruments is delegated to another person, such instrument may be executed in the manner provided by such ordinance or resolution.
- (c) All checks for the payment of money by the municipality shall be signed by the director of finance or by the holder of such other position as is authorized by resolution of the city commission. All persons authorized to sign checks shall be under fidelity bond in an amount recommended by the city manager and prescribed by resolution of the city commission.

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**SECTION 5.** That Section 4.02 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 4.02. - Compensation of officers and employees.**

The city commission of the City of Fort Lauderdale shall by resolution fix the compensation of commissioners, but any resolution increasing or reducing the compensation of commissioners shall not be adopted subsequent to July 31 of the year immediately preceding the year of the election and shall not be effective until the seating of the next commission following the next election. The city commission shall by resolution fix the compensation of the city manager, the city auditor, the city clerk, and the city attorney. All other officers and employees shall receive the compensation designated under the pay plan and rules and regulations of the civil service system or the applicable collective bargaining agreement.

**SECTION 6.** That Section 4.04 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 4.04. - Functions and duties of mayor-commissioner.**

The ~~mayor-commissioner~~ or, in his absence or disqualification, the vice-mayor ~~or mayor pro tem,~~ as the case may be, shall perform the following functions:

- (a) Preside at all meetings of the city commission, and maintain order and decorum. He shall have the right to limit the time a person shall be permitted to speak upon a given subject. He shall have the right to follow an order of business by written agenda, if desired. He shall have the right to expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order and decorum at the meeting, and upon direction of the presiding officer, the police department shall expel such person from the meeting.

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- (b) He shall have a voice and vote in the proceedings of the city commission, but no veto power. He shall vote last upon the roll call of commissioners. He shall have the right to temporarily relinquish the chair to the vice-mayor or other commissioner in order to make a motion, or offer a resolution or ordinance.
- (c) He may use the title of mayor in any case in which the execution of legal instruments, writings, or other papers so require; but this shall not be considered as conferring upon him any of the administrative or judicial functions of a mayor under the general laws of the state, except as herein provided.
- (d) He shall be recognized as the official head of the city by the courts for the purposes of serving civil processes; by the government in the exercise of military law; and by the public in general for all ceremonial purposes.
- (e) He shall exercise all the power and duties of the mayor as may be conferred upon him by the city commission in pursuance of the provisions of this charter, and no others.

SECTION 7. That Section 4.13 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 4.13. - City clerk.**

- (a) The city commission shall appoint a city clerk who shall be under the direction and supervision of the city commission and who shall hold office at the pleasure of the city commission. The duties of the city clerk shall be as set forth in section 2-83 of the city's Code of Ordinances. ~~The compensation of the city clerk shall be established by the provisions of the city's pay plan.~~

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- (b) The city clerk shall employ such other administrative, professional, expert and clerical assistance as is necessary to carry out the city clerk's required duties.

SECTION 8. That Section 7.05 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

**Sec. 7.05. - Primary election.**

Beginning with 1988, and every third year thereafter, a regular municipal primary election shall be held on the second Tuesday of February for the purpose of nominating, from those persons qualifying in accordance with section 7.14 hereof, nominees for the office of mayor-~~commissioner~~ and city commissioner unless such primary is made unnecessary pursuant to section 7.06.

Qualified electors of the City of Fort Lauderdale shall vote for not more than one (1) candidate for the office of mayor-~~commissioner~~.

Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.

The two (2) candidates for the office of mayor-~~commissioner~~ receiving the highest number of votes shall be nominated for the office of mayor-~~commissioner~~ and the two (2) candidates for the office of city commissioner receiving the highest number of votes in each district shall be nominated for the office of city commissioner from that district. However, if any candidate for mayor-~~commissioner~~ or city commissioner receives fifty (50) percent plus one (1) of the votes cast in a primary election for that office, such candidate shall be declared elected to that office and there shall be no regular municipal election for the office for which he was a candidate.

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SECTION 9. That Section 7.06 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

**Sec. 7.06. - When primary election unnecessary.**

Should the number of candidates qualifying for the office of ~~mayor-commissioner~~ or city commissioner be not more than two (2) candidates for any such office, then, and in that event, no primary election for that office shall be held. When the time for qualifying for such primary election has passed, the city clerk shall certify such fact to the city commission, and the city commission shall declare such persons to be nominated for the office of ~~mayor-commissioner~~ or city commissioner and have their names printed in the appropriate manner on the ballot for the next regular or special municipal election. However, if there are more than two (2) candidates for the office of ~~mayor-commissioner~~ or city commissioner and if those candidates have qualified for a primary election as provided for in this charter, then it shall be the duty of the city commission to hold a primary election.

SECTION 10. That Section 7.07 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.07. - General election; regular municipal election.**

Beginning with 1988, and every third year thereafter, a regular municipal election shall be held on the second Tuesday in March for the purpose of electing a ~~mayor-commissioner~~ and four (4) city commissioners. However, should only one (1) candidate qualify for the office of ~~mayor-commissioner~~ or city commissioner, then, and in that event, no regular election for that office shall be held and the city clerk shall certify such fact to the city commission and the city commission shall declare such person(s) to be elected to the office of ~~mayor-commissioner~~ or city commissioner.

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Qualified electors shall vote for not more than one (1) candidate for the office of mayor-commissioner.

Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.

The nominee receiving the highest number of votes shall be elected to the office for which he was a candidate.

The mayor-commissioner and the city commissioners elected at such election shall serve for terms of three (3) years each beginning on the third Tuesday in March following their election and shall serve until their successors are elected and qualified.

**SECTION 11.** That Section 7.08 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.08. - Filling vacancies in commission.**

When there shall exist a vacancy or vacancies in the office of city commissioner, and less than eighteen (18) months ensue before the time provided under this charter for holding the next regular triennial municipal primary, then such vacancy or vacancies for the unexpired term shall be filled by appointment by resolution adopted by a majority of the remaining members of the city commission; and the person or persons so appointed must possess all of the qualifications of a member of the city commission.

If a vacancy or vacancies occur in the office of city commissioner, and eighteen (18) months or more ensue before the time provided for holding the next regular triennial municipal primary, or, if a vacancy should occur at any time in the office of mayor-commissioner then a special municipal primary and election shall be called to fill such vacancy or vacancies.

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**SECTION 12.** That Section 7.09 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

**Sec. 7.09. - Special municipal primary election.**

A special municipal primary election for the purpose of nominating candidates for the office of ~~mayor-commissioner~~ or city commissioner, to fill a vacancy or vacancies on account of death, removal, forfeiture, disqualification, resignation or other cause, except as provided in section 7.08 above, shall be held within sixty (60) days after such vacancy occurs; and the city commission, by resolution, shall fix the time for qualifying for office and of holding such special municipal primary election, which shall not be less than forty-five (45) days after adoption of the resolution calling such election.

**SECTION 13.** That Section 7.10 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.10. - Special municipal elections to elect mayor-~~commissioner~~ or city commissioners.**

A special municipal election for the purpose of electing the mayor-~~commissioner~~ or a member or members of the city commission, to fill a vacancy or vacancies in the city commission, on account of death, removal, resignation or other cause, shall be held two (2) weeks after the special municipal primary election, in the same manner as provided herein for a regular triennial election. The city commission may call the special municipal primary election and the special municipal election by the same resolution. Such resolution shall specify the length of the unexpired term or terms to be filled, and the time of taking office of the elected mayor-~~commissioner~~, city commissioner or commissioners; which mayor-~~commissioner~~, city commissioner or commissioners shall hold office until their successors, elected in regular triennial municipal elections, shall take office.

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**SECTION 14.** That Section 7.12 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.12. - Elections—How arranged for; creation of districts.**

The city commission shall make all necessary arrangements for holding all city elections, and shall declare the result thereof. The city commission shall adopt a resolution calling any triennial primary election or special primary election, except as otherwise provided for, stating therein where the same shall be held, and naming the different offices to be filled or questions to be decided, and shall cause the notice of election to be published once each week for two (2) consecutive weeks preceding the day of election in a newspaper published in the city, the first publication or posting to be not less than ten (10) days prior to said election.

Not later than April 1, 1987 the city commission shall, by ordinance, adopt, create and establish four (4) separate and distinct geographical commission districts. Except as is provided herein for noncontiguous parcels, the four (4) districts to be created and established by the city commission shall be of contiguous territory and as approximately equal in population as is practicable. If there are parcels of land which are within the corporate limits of and which are part of the City of Fort Lauderdale, but which parcels are not contiguous to any other parcel or tract of land which is within the corporate limits of the City of Fort Lauderdale, then such noncontiguous parcel(s) shall either be made part of one (1) of the districts to be created as provided for herein or if such parcel(s) has a population approximately equal to the other commission districts to be created, then such parcel(s) may be a commission district. In creating and establishing the four (4) city commission districts, the city commission shall use the most recent United States Census data to determine population figures. After the receipt of the published information of each decennial census, the city commission shall reestablish the boundaries of the four (4) commission districts so that the districts shall be as approximately equal in population as is practicable.

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Beginning in 1988 all electors of the City of Fort Lauderdale shall be entitled to vote for candidates for the office of mayor-commissioner; however, only the electors of each commission district shall be entitled to vote for candidates for city commissioner from that district.

**SECTION 15.** That Section 7.14 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.14. - Candidates for mayor-commissioner and city commissioner.**

Any bona fide resident of the City of Fort Lauderdale and of the State of Florida, who is a citizen of the United States of America, who is a registered elector of the City of Fort Lauderdale and possesses the qualifications necessary to vote at city, state and national elections, and who is otherwise qualified to be a city commissioner or mayor-commissioner, as provided in section 3.03 of this charter, may be a candidate for such office by filing a verified candidate oath for city commissioner within the period of time herein prescribed and in the manner herein set out, and by paying as a qualifying fee the sum of one hundred dollars (\$100.00) to the city clerk of the City of Fort Lauderdale at such time, which money shall be used for the purpose of defraying the election expenses. Such written notice shall be filed with the city clerk of said city on any regular working day of said city clerk, no earlier than noon on the first work day in January nor later than noon on the fourteenth day following the first work day in January of the calendar year in which the election is held.

**CANDIDATE OATH**

State of Florida  
County of Broward

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he is a candidate for

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the office of (~~Mayor-Commissioner~~) (City Commissioner) of the City of Fort Lauderdale, Florida; that he is a qualified elector of the City of Fort Lauderdale, Broward County, Florida; that he is qualified under the Constitution, the laws of Florida and the City Charter to seek and to hold the office to which he desires to be nominated or elected; that he has taken the oath required by SS. 876.05—876.10, Florida Statutes; that he has not violated any of the laws of the state relating to elections or the registration of electors; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to § 99.012, Florida Statutes.

	_____ Signature of candidate
	_____ Residence/Address

Sworn to and subscribed before me this \_\_\_\_\_ /  
 \_\_\_\_\_ / \_\_\_\_\_ day of \_\_\_\_\_, 19  
 2\_\_\_\_\_, at \_\_\_\_\_ County, Florida.

SECTION 16. That Section 7.16 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

**Sec. 7.16. - Election; tie vote; primary election to fill one vacancy.**

At the regular or special municipal election, the candidates for each office who shall receive the greatest number of votes for that office at such regular or special municipal election, shall be declared elected. A tie between two (2) candidates for the office of ~~mayor-commissioner~~ or city commissioner shall be decided by lot to be conducted by the city attorney. If in a municipal primary election a candidate shall receive a majority of valid votes cast for that office, such candidate shall be declared elected without the holding of a regular municipal election.

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SECTION 17. That the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide for gender neutrality by replacing "he" with "he or she" and "his" with "his or her" throughout the Charter.

SECTION 18. That this Ordinance shall not take effect unless a ballot measure is approved by a majority of the electors of the City of Fort Lauderdale voting at the election to be held on March 12, 2019. The ballot measure to be submitted shall be in substantially the following form:

Charter Amendment No. \_\_\_\_\_  
~~Municipal Elections~~ Non-Substantive Changes

Should the Charter of the City of Fort Lauderdale be amended to provide for gender neutrality, replace the term "mayor-commissioner" with "mayor," set the compensation of the city auditor and city clerk by resolution of the city commission, delete reference to the city clerk's compensation being established by the City's pay plan, delete the term "mayor pro tem," and clarify the procedure for calling special meetings of the city commission?

YES, for approval

NO, for rejection

SECTION 19. That in the event the ballot measure set forth in Section ~~4011~~ of Ordinance C-19-46 and the ballot measure set forth in this Ordinance pass, the passage of this Ordinance shall exclude Sections 8, 9, and 12 of this Ordinance.

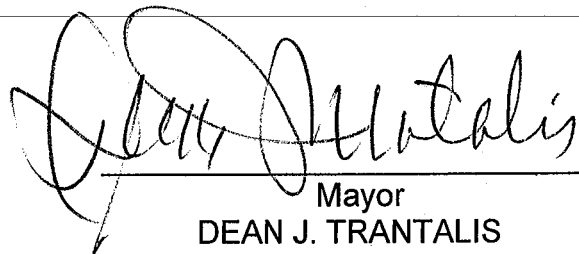
SECTION 20. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 21. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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SECTION 22. That this Ordinance shall be in full force and effect, as conditioned in Section 18, ten days from the date of certification by the Supervisor of Elections for Broward County, Florida, of approval by the electors of the ballot question.

PASSED FIRST READING this the 18th day of December, 2018.  
PASSED SECOND READING this the 22nd day of January, 2019.



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Mayor  
DEAN J. TRANTALIS

ATTEST:



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City Clerk  
JEFFREY A. MODARELLI

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**CITY OF FORT LAUDERDALE  
CHARTER REVISION BOARD REPORT TO THE CITY COMMISSION  
MAY 2, 2024**

This report contains the first set of recommendations from the City of Fort Lauderdale Charter Revision Board (“Board”). When further recommendations have been developed, another report will be issued.

Since reconvening on February 2, 2023, the Board has met on thirteen occasions to review the Charter of the City of Fort Lauderdale, Florida, (“Charter”), and formulate recommendations to amend the Charter.<sup>1</sup> All meetings have been open to the public and public participation has been solicited at each meeting. The Board recommends that a special election be held in conjunction with the general election on November 5, 2024, for the City’s electorate to consider amending the Charter.

The Board recommends that the following Charter sections be amended as described. The proposed revisions are attached as exhibits, subject to further review and finalization by the City Attorney’s Office.

**Section 3.03. Qualification of members; forfeiture of office.**

The Board recommends that Section 3.03 be amended to clarify that candidates for mayor and city commissioner must:

- 1) Have resided continuously in the City as permanent residents for at least six months preceding qualification for office;
- 2) Be electors of the City at the time of qualification (The current charter requires that they be over the age of twenty-one); and
- 3) Not hold other elective office or be an officer or employee of the City at the time of filing their candidate oaths in accordance with Section 7.14 of the Charter.

In addition, with regard to candidates for city commissioner, it is recommended that the Charter be amended to require that the candidate shall have resided continuously as a permanent resident of the city commission district for which such candidate seeks office for at least six months immediately preceding the date of qualification for such office. However, in any year in which there has been a reestablishment (reapportionment) of city commission districts, a candidate whose permanent residence in the City is in a different

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<sup>1</sup> The Board recognizes that its recommendations are nonbinding and that the City Commission has the sole discretion to determine which amendments, if any, it places on the ballot, the final wording of any amendments, and the timing of any election on Charter amendments. In addition, the Board recognizes that the City Commission may offer amendments on its own initiative. Charter amendments presented to the electorate shall only take effect if the majority of the qualified electors voting on the specific Charter amendment vote for its adoption.



district as a result of the reapportionment may seek office in the district of his or her permanent residence that results from the reapportionment notwithstanding the six-month residency requirement.

The Board's recommendation for Section 3.03 is set forth in Exhibit 1.

**Section 3.04. - Judge of elections and qualifications of members.**

Pursuant to Section 7 of Chapter 2012-253, Laws of Florida, (the "Special Act"), the Broward County Canvassing Board canvasses all municipal elections in Broward County. Inasmuch as judicial remedies exist for the potential challenges described in Section 3.04 (violation of the Charter or qualifications to hold office), the Board recommends that Section 3.04 be repealed.

The Board's recommendation repealing Section 3.04 is set forth in Exhibit 2.

**Section 3.05. Designation of vice-mayor.**

The Board recommends aligning the timing of the designation of Vice-Mayor with that of seating a new city commission following a regular municipal election, as outlined in Section 3.09. In addition, the Board recommends adding language to provide for redesignation of a Vice-Mayor in the event a Vice-Mayor does not complete his or her term of office.

The Board's recommendation for Section 3.05 is set forth in Exhibit 3.

**Sec. 3.08. - Forfeiture of office.**

The Board recommends deleting the sentence that provides for forfeiture of office in the event of a conviction for a felony in light of and recognizing the existing governor's statutory authority to suspend and remove municipal officers.

The Board's recommendation for Section 3.08 is set forth in Exhibit 4.

**Section 3.09. - Organizational meeting.**

The Board recommends that the organizational meeting of the Commission following a municipal election (regular or special), at which those elected take office, be on the date of the first regular city commission meeting after the certification of election results by the Broward County Canvassing Board. (See Section 3.13 regarding Regular Meetings.)

The Board's recommendation for Section 3.09 is set forth in Exhibit 5.

**Section 3.10. - Special meeting to seat a new member.**

The Board recommends the repeal of Section 3.10 if the Board's recommendation for Section 3.09 is approved by the electorate. Section 3.10 will be superfluous because Section 3.09 will prescribe the time of taking office for officials elected at a special election.

The Board's recommendation for Section 3.10 is set forth in Exhibit 6.

**Section 3.13. - ~~Meetings place; meetings to be public.~~**

The Board recommends amending Section 3.13 to provide for:

- 1) The holding of City Commission meetings on the first and third Tuesdays of each month or on the succeeding Wednesday in the event of a legal holiday;
- 2) Rescheduling meeting dates;
- 3) Calling special meetings by resolution;
- 4) The agenda to be established by the city manager; and
- 5) To provide for the City Commission, by ordinance, to prescribe rules of parliamentary procedure and identify a parliamentarian.

The Board's recommendation for Section 3.13 is set forth in Exhibit 7.

**Section 3.15. – Initiative and referendum; petition for proposed ordinance.**

The Board recommends restating Section 3.15 almost in its entirety, related to the initiative and referendum process. The proposal excludes budgeting, salaries, taxes, and zoning from the initiative process. The recommended procedure for both initiatives and referenda is as follows:

1. Proceedings may be commenced by a minimum of ten electors who file an affidavit with the city clerk stating that they will constitute the petitioners' committee ("Committee"), rather than the current requirement of a committee of not less than one thousand electors to initiate the process.
2. The Committee submits its proposal to the city attorney on a form provided by the city.
3. The city attorney has thirty days to find that the proposal is legally sufficient or insufficient.
4. The Committee has thirty days to resubmit the proposal in response to a finding of legal insufficiency.

5. Petitions must be signed by at least one percent of the total number of electors registered to vote at the last regular city election.

6. Signed petitions are submitted to the Supervisor of Elections for verification.

7. Upon receipt of a certificate issued by the Supervisor of Elections that the petition is sufficient, the City Commission considers the petition.

8. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five days or fails to repeal the referred ordinance within thirty days, it shall submit the proposed or referred ordinance to the electors of the city.

9. The vote of the electorate is held in conjunction with the city's next regular municipal election unless the Committee elects an earlier vote of the electorate, either in conjunction with an earlier available Broward County election, or by mail ballot election, provided that the Committee shall prepay the cost of a vote of the electorate that is held earlier than the city's next regular municipal election.

10. If a majority of the qualified electors voting on a proposed initiative ordinance or on a referred ordinance vote in favor of the measure, it is considered adopted upon certification of the election results.

The Board's recommendation for Section 3.15 is set forth in Exhibit 8.

**Section 4.05. - City manager; appointment; qualifications; compensation.**

The Board recommends amending Section 4.05 to require that the city manager be a permanent resident of the City during his or her term of office.

The Board's recommendation for Section 4.05 is set forth in Exhibit 9.

**Section 8.01. - Sale of personal property; ~~procedure; public notice.~~**

The Board recommends amending Section 8.01, requiring that the procedure for the sale of personal property belonging to the City shall be as provided by ordinance.

The Board's recommendation for Section 8.01 is set forth in Exhibit 10.

**Section 8.02. - Sale of city public lands and of public property to public bodies.**

The Board recommends amending Section 8.02 to outline the process of selling or otherwise conveying City-owned property to public bodies or allowing public bodies to make improvements on City-owned property. The use would have to be for a paramount public purpose, to wit, an activity that is essential to the health, morals, protection, or welfare of the city, or for use predominantly for educational, literary, scientific, or charitable purposes, as determined by the City of Fort Lauderdale City Commission.

The Board's recommendation for Section 8.02 is set forth in Exhibit 11.

**Section 8.04. - Sale of real property to private ~~parties~~persons, firms or corporations.**

The Board recommends amending Section 8.04 to provide that the city's sale of real property to private parties be as provided by ordinance and consistent with applicable law, and subject to adoption of a resolution by the affirmative vote of at least four commissioners containing a finding that the sale would be in the city's best interest.

The Board's recommendation for Section 8.04 is set forth in Exhibit 12.

**Section 8.09. – Leases, licenses, concessions, and use agreements for more than one year and not more than fifty years.**

The Board recommends amending Section 8.09 to clarify that all use agreements, including leases, license agreements, concession agreements, facility use agreements, and other types of use agreements (each is an "Instrument") with private parties for the use of real property owned by the City are subject to a fifty-year maximum, including any renewals or extensions.

The City Commission's approval of an Instrument would be subject to the following:

1. Approval of any Instrument having a duration exceeding one year would require a resolution adopted by the affirmative vote of at least four commissioners containing a finding that such use of the property would be in the city's best interest and the City Commission's consideration of a fair market value analysis of the property prepared by a qualified independent consultant hired by the City at the private party's expense; and
2. In addition to the requirement of a fair market value analysis described in #1, the approval of an Instrument having a duration exceeding ten years, including any optional renewals or extensions, would require the City Commission's consideration of an accompanying business viability report prepared by a qualified independent consultant hired by the City at the private party's expense; and
3. Each Instrument must contain a provision prohibiting assignment except upon the affirmative vote of at least four commissioners.

The Board's recommendation for Section 8.09 is set forth in Exhibit 13.

**Section 8.21. - Disposing of ~~public~~park property.**

The Board recommends amending Section 8.21 by deleting the first paragraph, which is a superfluous statement of the City's right to dispose of public property. In addition, the Board recommends:

1. That the City not dispose of land zoned Parks, Recreation and Open Space except as may be approved in a referendum at a special election called pursuant to Section 7.11 of the Charter;

2. That the City not lease land zoned Parks, Recreation and Open Space except pursuant to a unanimous vote of the entire City Commission; and

3. That the date of November 10, 2004, be removed from the Charter, resulting in the requirement that a unanimous vote of the entire City Commission would be necessary to remove the Parks, Recreation and Open Space designation from any parcel.

The Board's recommendation for Section 8.21 is set forth in Exhibit 14.

### **Sec. 3.03. Qualification of members; forfeiture of office.**

To be eligible to hold the office of mayor of the City of Fort Lauderdale, ~~or to qualify for nomination or election as such,~~ a the candidate shall have resided continuously in the City of Fort Lauderdale as a permanent resident for at least six (6) months immediately preceding the date of qualification for such office, ~~the election,~~ shall continuously reside in the City of Fort Lauderdale, and shall be a resident of the State of Florida and a citizen of the United States of America and an elector of the City of Fort Lauderdale at the time of qualification for such office,; ~~shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall be otherwise qualified for such office as provided in this charter provided,;~~ shall hold no other public elective office,; ~~and shall not be an officer, employee, or serving any capacity with in the city government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter,~~ except that a city commissioner serving may qualify for election to the office of mayor, and the mayor may qualify for reelection subject to section 3.02 of this charter, and shall reside continuously as a permanent resident of the City of Fort Lauderdale during the term of office. ~~Candidates for nomination or election as mayor shall comply with all the rules and regulations set forth out in the charter as to their conduct. Any candidate for mayor or any mayor who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.~~

To be eligible to hold the office of city commissioner of the City of Fort Lauderdale, ~~or to qualify for nomination or election as such,~~ the a candidate shall have resided continuously in the City of Fort Lauderdale as a permanent resident of the city commission district for which such candidate seeks office for at least six (6) months immediately preceding the date of qualification the election for such office, except that in any year in which there has been a reestablishment of city commission districts (a "Reestablishment"), and shall reside in the commission district from which he or she seeks election on the day he or she qualifies as a candidate for that the office of city commission whose permanent residence in the City of Fort Lauderdale is in a different city commission district as a result of the Reestablishment may seek office as a city commissioner in the city commission district of his or her permanent residence that results from the Reestablishment, ~~shall continuously reside in that district and shall be a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; and shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving in any capacity with the city government,~~ In addition, to be eligible to hold the office of city commission, a candidate shall be a citizen of the United States of America and an elector of the City of Fort Lauderdale at the time of qualification for such office, shall be otherwise qualified for such office as provided in this charter, shall hold no other public elective office, shall not be an officer, employee, or serving in any capacity in the government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter, ~~except that a city commissioner serving may qualify for reelection subject to section 3.02 of this charter, and shall reside~~

continuously as a permanent resident of the district to which such commissioner is elected during the term of office. Candidates for ~~nomination or election for the office of~~ as city commissioner shall comply with all the rules and regulations set ~~out~~ forth in the charter as to their conduct. Any candidate for city commission or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

**~~Sec. 3.04. Judge of elections and qualifications of members.~~**

~~The city commission shall be the judge of all municipal elections and referendums and of the qualifications of its members, subject to review by the courts. At the time that the city commission meets to canvass the results of any election, any registered elector of City of Fort Lauderdale shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his or her election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.~~



### **Sec. 3.05. Designation of vice-mayor.**

- (a) ~~At its first meeting after the regular triennial election of 1988, the first regular city commission meeting after certification of the election results of a regular municipal election shall, and at the first regular meeting in November every year thereafter until the next regular municipal election, the city commission shall, by resolution, designate a district commissioner as vice-mayor. The vice-mayor selected in 1988 shall serve until the first city commission meeting to be held in April 1989 and at that meeting and at the first meeting in April for every year thereafter the city commission shall by resolution designate a district commissioner as vice-mayor. However, in the event, during the period between regular municipal elections, the vice-mayor leaves office and a new district commissioner takes office ("Substitute Commissioner"), at the first regular meeting after the Substitute Commissioner takes office, the city commission shall, by resolution, designate a district commissioner as vice-mayor. Should a commissioner decline or be otherwise disqualified from serving in the office of vice-mayor, then and in that event, another district commissioner shall be designated by resolution to serve in such office.~~
- (b) The vice-mayor shall preside at any meeting of the city commission from which the mayor is absent and shall perform those functions and duties set forth in section 4.04 hereof. Should the mayor resign from office or be otherwise unable to continue to serve as mayor, the vice-mayor shall serve as mayor until the vacancy in the office of mayor shall be filled as provided herein.

**Sec. 3.08. Forfeiture of office.**

Absence by any commissioner from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission, by formal action duly entered upon the minutes. ~~Any member of the city commission who shall, while in office, be convicted of a felony, shall thereupon forfeit his or her office, notwithstanding any appeal or right of appeal he or she may take or have subsequent to such conviction.~~ Any member of the city commission who shall violate the provisions of article VI, section 6.06 of this charter shall forfeit his or her office.

### **Sec. 3.09. Organizational meeting.**

~~On the first regular meeting day in December following each regular election the existing date of the first regular city commission meeting shall meet at the usual place for holding the meetings of the legislative body of the city, for the purpose of transacting any and all necessary business before assumption of office by the after the certification of election results by the Broward County Canvassing Board, all newly elected commissioners officials shall take an oath of office and assume the duties of office. At 11:00 a.m. Eastern Standard Time the newly elected city commissioners shall assume the duties of office.~~

**~~Sec. 3.10. Special meeting to seat a new member.~~**

~~On the first Tuesday following the election of a new member, elected at other than a quadrennial regular election, the commission shall meet to receive such new member.~~

### **Sec. 3.13. – Meetings ~~place; meetings to be public.~~**

~~All~~The city commission shall hold regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission; but a special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meetings. Meetings of the city commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its own rules, regulations and order of business, and shall keep minutes of its proceedings. The mayor shall maintain order at all meetings, and the police department, upon instructions of the mayor, shall expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order at the meetings. The commission may meet in conference session at a place other than the regular meeting place, but no official action shall be taken at such conference meeting. on the first and third Tuesdays of each month (“Regular Meetings”). If a Regular Meeting falls on a legal holiday, then the meeting shall be held on the succeeding Wednesday. The commission may, by resolution, reschedule a particular Regular Meeting to a date other than as established in this section (“Rescheduled Meeting”), provided that the resolution so adopted is published in the official newspaper of the city once at least three (3) days before the Rescheduled Meeting. The city commission may, by motion, eliminate Regular Meetings for one (1) month each year to provide for vacations. In addition to Regular Meetings, special meetings may be held by the City Commission from time to time (“Special Meeting”). Collectively, Regular Meetings and Special Meetings are “Meetings.” Each individually is a “Meeting.”

The agenda for Meetings shall be established by the city manager. Public hearings, ordinances, resolutions and motions shall be heard after 6:00 p.m. The agenda, together with all reasonable backup materials shall be provided to the city commission at least three working days before each Meeting. If reasonable backup material on a particular agenda item is not provided to the commission at least three business days prior to the applicable Meeting, the item shall not be considered at that Meeting absent the affirmative vote of four commissioners.

Meetings of the city commission shall be public, and minutes of the meeting shall be maintained. The public shall have access to the minutes thereof at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its order of business and shall by ordinance prescribe its rules of parliamentary procedure and identify a parliamentarian. The mayor shall maintain order at all meetings, and the police department, upon instructions of the mayor, shall expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order at the meetings.

### **Sec. 3.15. Initiative and referendum; petition for proposed ordinance.**

Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Fort Lauderdale, Florida," then in effect, may be initiated, submitted and enacted in the following manner:

- (a) Power to initiate and reconsider ordinances.
  - (i) Initiative. The electors of the city shall have the power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election. Such power shall not apply to the city's budget or community investment plan, any amendment of the city's budget or community investment plan, or the salaries or benefits of elected officials, city officers, or employees. In addition, such power shall not apply to any ordinance levying taxes, changing the actual zoning map designation of a parcel or parcels of land, or changing the actual list of permitted, conditional, or prohibited uses within a zoning category.
  - (ii) Referendum. The electors of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election. Such power shall not apply to any ordinance levying taxes, changing the actual zoning map designation of a parcel or parcels of land, or changing the actual list of permitted, conditional, or prohibited uses within a zoning category.
- (b) Commencement of proceedings. A minimum of ten electors may commence initiative or referendum proceedings by filing an affidavit with the city clerk (the "Affidavit") stating that they will constitute the petitioners' committee (the "Committee"). The Affidavit shall state the names and addresses of the Committee members and shall specify the address to which notices to the Committee are to be sent.
- (ac) A-The committee Committee of not less than one thousand (1,000) electors of the city shall prepare and sign a petition addressed to the City Commission of the City of Fort Lauderdale requesting that a submit the proposed ordinance or the citation of the ordinance to be reconsidered, together with a proposed petition on a form provided by the city ("Petition"), to the city attorney, who shall have thirty (30) days from receipt to find whether the proposed ordinance and the proposed petition are legally sufficient-attached to the petition be enacted. Each signer of the petition must be an elector of the city and shall sign his or her name in ink and shall indicate his or her place of residence and voting precinct. The petition shall have attached the certificate of the supervisor of elections indicating whether each of the signers

~~is a qualified elector of the city. Thereafter, such signers shall be referred to as the committee, and one (1) member shall be designated therein as chairman of the committee. The committee shall have the right to request In the event the city attorney finds that the , in writing, to assist in the drafting of such proposed ordinance or the proposed petition is, or both, are legally insufficient, in proper form, and such the city attorney shall inform the Committee of the circumstances of the level insufficiency, and the Committee shall have draft the proposed ordinance in proper form within thirty (30) days from receipt of the city attorney's notice of legal insufficiency with which to redraft and resubmit the proposed ordinance or the proposed petition or both to the city attorney after being requested to do so by said committee in writing. He or she shall append to the drafted form of ordinance his or her opinion as to the legality of such proposed ordinance. The city attorney shall have thirty (30) days from receipt of the redrafted proposed ordinance or proposed petition or both within which to find the redrafted proposed ordinance or proposed petition or both legally sufficient or legally insufficient.~~

(d) Following a finding by the city attorney that the proposed ordinance and Petition are legally sufficient, the city clerk may, at the Committee's request and expense, issue the appropriate Petition blanks to the Committee.

(e) Petitions.

(i) Number of signatures. Initiative Petitions must be signed by at least one (1) percent of the total number of electors registered to vote at the city's last regular municipal election. Referendum Petitions must be signed by at least one (1) percent of the total number of electors registered to vote at the last regular city election.

(ii) Form and content. All portions of a Petition shall be assembled as one instrument. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing (collectively, "Compliant Signature"). Throughout circulation, Petitions shall contain or have attached the full text of the ordinance proposed or sought to be reconsidered.

(iii) Qualifying deadline. Petitions must be filed with the city clerk or the city clerk's designee within 180 days of the date of the city attorney's finding that the proposed ordinance and Petition are legally sufficient.

(f) Procedure for filing of Petitions.

(i) Certificate of Supervisor of Elections. Upon the Committee's payment to the Broward County Supervisor of Elections ("Supervisor") of the cost of signature verification established by the Supervisor ("Supervisor Verification Cost"), the Supervisor shall complete a certificate as to

compliance with the provision of subsection (e) of this Section ("Certificate"). If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be sent promptly to the Committee and the city clerk by electronic means with electronic verification of receipt.

- (ii) Amendment. A Petition certified insufficient because it lacks the required number of Complaint Signatures may be supplemented by the filing of additional Complaint Signatures within fifteen (15) days from the date of the Certificate ("Supplementary Petition") and upon the Committee's payment to the Supervisor of any additional Signature Verification Cost. The Supervisor shall complete a Certificate as to the sufficiency of the Petition as amended by the Supplementary Petition ("Amended Petition") and promptly forward a copy of the Certificate to the Committee and the city clerk by electronic means with electronic verification of receipt.
- (iii) Submission to the city commission. If a Petition or Amended Petition is certified sufficient, or if a Petition is certified insufficient and the Committee does not elect to file a Supplementary Petition, or if an Amended Petition is certified insufficient, the city clerk shall promptly present the Certificate to the city commission.

~~(b) Such signed petition and proposed ordinance and the opinion of the city attorney shall be presented by the committee to the city commission at a regular meeting, after sixty (60) days prior notice to the city manager that such matter will be presented at such meeting. An opportunity shall be given for proponents and opponents of the proposed ordinance to be heard. At such meetings the city commission shall take definite action upon the ordinance by rejecting same, failing to take action upon same, passing same in prepared form upon first reading or passing same in amended form upon first reading. If passed on first reading in an amended form, the chairman of the committee shall state in open meeting whether the committee accepts or rejects the ordinance, as amended, and the decision of the chairman shall be binding upon the committee. If the committee accepts the amended ordinance, as aforesaid, or if the city commission accepts the proposed ordinance, same shall be placed upon its first reading at such meeting, upon the second reading at the next regular meeting. If the proposed ordinance is passed upon first reading, or if the proposed ordinance is amended and passed upon first reading, and such amended ordinance is accepted and approved by the chairman of the committee, it shall be the duty of the city commission to pass such ordinance, and to continue reading such ordinance upon progressive readings at each regular meeting of the city commission until such ordinance is duly enacted.~~

(cg) If the city commission should: Action on Petitions.



- (4i) ~~Reject the proposed ordinance; or~~ Action by city commission. Upon receipt of a Certificate determining a Petition is sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the city. If the city commission fails to act on a proposed initiative ordinance or a referred ordinance within the requisite time period, the city commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the city commission was authorized to act on such matter.
- (2ii) ~~Fail to take action upon said proposed ordinance; or~~ Submission to electors. The vote of the electorate on a proposed or referred ordinance shall be held in conjunction with the city's next regular municipal election unless the Committee elects an earlier vote of the electorate, either in conjunction with an earlier available Broward County election, or by mail ballot election, provided that the Committee shall prepay the cost of a vote of the electorate that is held earlier than the city's next regular municipal election.
- (3iii) ~~Pass the ordinance in an amended form not acceptable to the committee; or~~ Withdrawal of petitions. A Petition may be withdrawn at any time prior to the fifteenth (15<sup>th</sup>) day preceding the day scheduled for a vote of the electorate by filing with the city clerk a request for withdrawal signed by at least eight-tenths of the members of the Committee. Upon the filing of such request the Petition shall have no further force or effect and all proceedings thereon shall be terminated.
- (4) ~~Fail to pass the proposed ordinance upon first and second reading; or~~
- (5) ~~Fail to pass an amended ordinance, acceptable to the committee, upon successive meetings; or~~
- (6) ~~Do any act to delay passage of such ordinance; the chairman of the committee shall have the right to demand in writing that an election upon the matter of enactment of the proposed ordinance, or amended ordinance which has been accepted or approved by the committee, be held in the manner provided in section 3.18 of this charter, and at such meetings at which such demand in writing is presented, the said city commission shall take action either calling such election or refusing to call such election, and the failure to call such election shall constitute a refusal.~~

(h) Results of election.

- (i) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (ii) Referendum. If a majority of qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.

#### **Sec. 4.05. City manager; appointment; qualifications; compensation.**

The city commission shall appoint a city manager who shall be the administrative head of the municipal government answerable to and under the direction and supervision of the city commission, and he or she shall hold office at the pleasure of the city commission. He or she shall receive such compensation as the city commission may by resolution fix and determine, and shall furnish such bond as the city commission may require. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, shall be over the age of twenty-one (21) years, shall ~~reside in~~ be a permanent resident of the city during his or her term of office, but he or she need not be a resident of the city or state at the time of his or her appointment. A city manager shall serve the city on a full-time basis. He or she shall not be or become engaged in any other occupation. He or she shall not serve on any committee, board, or as an officer of any enterprise, compensated or not, while in the city's service, except by approval of the city commission by resolution.

**Sec. 8.01. - Sale of personal property; ~~procedure; public notice.~~**

Personal property belonging to the city shall not be sold, except as provided by ordinance ~~where competitive bidding conditions have been maintained. Where the value of the personal property exceeds five thousand dollars (\$5,000.00), same may not be sold except after public notice to bidders by publication. The sale shall be made to the highest and best bidder for cash, and no personal property shall be sold on terms. The provisions of this section shall not apply in instances where depreciated personal property is traded in on new equipment, bought by the city, but in such instances the amount allowed for personal property traded in on new equipment purchased must be definitely specified in the bid.~~

**Sec. 8.02. - Sale of city public lands and of public property to public bodies.**

Subject to the provisions of Sections 8.04 and 8.09, City of Fort Lauderdale is hereby authorized and empowered to enter into contracts with and to sell, alienate, exchange, give, grant, or convey to the United States of America or any of its departments or agencies, to the State of Florida or any of its counties, districts, subdivisions, municipalities, or agencies, or to any other public body, any public places or any public property, real or personal, now owned by said the City of Fort Lauderdale or hereafter acquired, or allow any such public body to make improvements on any property owned by the City of Fort Lauderdale, to be used by such public body or agency for a paramount public purpose, to wit, an activity that is essential to the health, morals, protection, or welfare of the city, as determined by the City of Fort Lauderdale City Commission, or for use predominantly for educational, literary, scientific, or charitable purposes, or make improvements upon public property used for a public purpose, under the following conditions, to-wit:

- (a) ~~The city commission shall first adopt a resolution determining and declaring its intention to sell, alienate, give, exchange, grant, or convey certain public property to a designated public body, or make improvement to public property, and such resolution shall particularly describe the public lands, public property, improvements or places intended to be conveyed or improved, the purchase price to be paid, if any, the public purpose for which such land or such property will be used by the grantee, and other details of the sale, and designate a day not less than thirty (30) days after the adoption of such resolution, on which a public hearing will be had before the city commission upon such proposal.~~
- (b) ~~If any public property intended to be sold, alienated, given away, granted or conveyed to any other public body is encumbered by any bonds or obligation for which such property or the revenue derived therefrom is specially pledged, provision must be made in the proposal and plan to simultaneously discharge and pay the obligations for payment of which such lands or revenues derived therefrom are specially pledged.~~
- (c) ~~Such resolution shall be published in full in two (2) issues of a newspaper published in said city with the first publication not less than ten (10) days before such public hearing and the second publication one (1) week after the first publication.~~
- (d) ~~At the time designated for a public hearing, the terms of the proposal and the use of the property shall be explained to the public and opportunity given for citizens and taxpayers to be heard upon such proposal.~~
- (e) ~~At such meetings, or any designated adjourned meeting, the city commission shall pass another resolution either confirming or repealing the resolution previously adopted, or confirming the previous resolution with amendments or additions. If the previous resolution is confirmed in its~~

~~original form, or with amendments or additions, such confirming resolution shall direct the proper city officials to execute and deliver deed of conveyance under the terms and conditions set out in the resolution as confirmed.~~

- (f) ~~The provisions of this section to the contrary notwithstanding, the city may sell (for fair market value) or trade (for like value) surplus stock of supplies or equipment belonging to the city to another governmental entity by any procedure as may be established under the "Purchasing Ordinance of the City of Fort Lauderdale" [Code ch. 2, art. V, div. 2].~~

**Sec. 8.04. - Sale of real property to private partiespersons, firms or corporations.**

~~Except as provided in Section 8.21, the City of Fort Lauderdale is hereby authorized and empowered to sell any public lands and improvements thereon real property owned by the, title to which is vested in City of Fort Lauderdale, to any private party, as provided by ordinance and consistent with applicable law, subject to the following, person, firm or corporation (other than a public body) under the following conditions, to-wit:~~

- (a) ~~Resolution declaring property not needed for public use. The city commission shall adopt a resolution at a regular meeting of the city commission particularly describing the land by metes and bounds, reference to a recorded plat or government survey, its location by street number, if any there be, a description of all improvements located upon the land, and shall declare how said land has been used since same has belonged to the city, why it is desirable to sell same, and that the city does declare and determine that it is for the best interests of the city that such lands and facilities be sold. The resolution declaring that such lands be sold shall state whether the sale shall be made for cash or terms. Where the value of the land is determined by the city commission to be less than ten thousand dollars (\$10,000.00), the sale shall be for cash. Where the value of the land is determined by the city commission to exceed ten thousand dollars (\$10,000.00), the city commission may sell same for twenty five (25) percent cash and the balance upon terms, with installments due yearly, not exceeding ten (10) years, with interest to be determined by the city commission. The city shall sell, without competitive bidding, to the party making the best offer, but the city may reject any and all offers at any time. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer. In no event shall the sale be for less than seventy five (75) percent of the appraised value of the property as determined by the city commission. The approval of any sale of improved or unimproved real property shall be pursuant to a resolution containing a finding that such sale would be in the city's best interest adopted by the affirmative vote of at least four commissioners.~~
- (b) ~~Notice; offers. Within seven (7) days after the adoption of the resolution, it shall be published by the city in one (1) issue of the official newspaper. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer.~~
- (c) ~~Protests. During the period intervening between the adoption of the resolution and the date of sale, taxpayers and registered electors of the city may protest or object to the sale, or propose other public uses for the said property, and the city commission may rescind its former action and repeal~~

~~the resolution declaring the property should be sold, if it deems same expedient and proper.~~

- ~~(d) Authority to sell; cemetery lots excepted. Subject to the foregoing provisions, City of Fort Lauderdale is hereby empowered to sell and dispose of any lands, improvements, public buildings, recreational parks and other lands now owned or hereafter acquired by said city, and in the deed of conveyance may place such conditions, limitations and restrictions on the use of such property by the purchasers as to the city commission shall seem proper. The above restrictions as to sale of public property shall not apply to sale of municipal cemetery lots, which are subject to rules and regulations governing same.~~
- ~~(e) Resolution accepting offer and authorizing conveyance. At any regular meeting after publication of the resolution as heretofore provided in paragraph (b), the city commission may adopt a resolution accepting the best offer and authorizing the execution of a deed of conveyance; provided that if such property is encumbered by any bonds or obligations for which such property or the revenue derived therefrom is specially pledged, the purchase price must be sufficient to pay and discharge such bonds or obligations according to the terms thereof.~~
- ~~(f) Notwithstanding the provisions of this section or other provisions of this article In addition, City of Fort Lauderdale shall have the right to exchange, deed or convey portions of real property owned by the City of Fort Lauderdale publicly owned lands, or grant concessions, leases or rights therein to private persons, in consummating a transaction whereby City of Fort Lauderdale acquires property needed in connection with a public improvement or a public use.~~
- ~~(g) The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.~~



**Sec. 8.09. – Leases, licenses, concessions, and use agreements for more than one year and not more than fifty years.**

City is hereby empowered to lease ~~to, or enter into license agreements, or concession agreements, facility use agreements, or other types of use agreements, (each is an “Agreement”), with, to private parties persons, firms or corporations, for the nonpublic use of purposes, any improved or unimproved real lands, improvements, public buildings, recreational parks or facilities, golf courses, public beaches, public utility plants, or any public works or public property, of any kind including air space over such real public property, owned or operated by the City of Fort Lauderdale, and not needed for governmental city purposes, whether used in a governmental or in a proprietary capacity, for a period of not more than fifty (50) years, including any renewals or extensions. plus such length of time, not to exceed five (5) years, determined by the city commission to be reasonably necessary to complete construction of the improvements proposed for the demised premises by such Agreements having a duration exceeding one year shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners containing a finding, based on a fair market value analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the city at the private party’s expense, that such use of the property would be in the city’s best interest persons, firms or corporations. In addition, included in the city commission’s consideration of any Agreement that has a duration exceeding ten years, including any optional renewals or extensions, shall be the consideration of an accompanying business viability report prepared by a qualified independent consultant hired by the city at the private party’s expense. Each Agreement shall contain a provision that the Agreement may not be assigned except upon the affirmative vote of at least four commissioners. Each lease shall be authorized only after public hearing, under authority of a resolution duly adopted at a meeting duly held at a designated adjourned meeting, under the following conditions, to wit:~~

- (a) ~~One (1) of the conditions for leasing such public property may be obligations of the lessee to construct thereon buildings or improvements to be used in connection with an existing facility, or to construct improvements on said property, if same is vacant, and in a manner not detrimental or harmful to the operation of the proposed facility. In no event shall the fee title of the city be subordinated except upon terms and conditions as approved by the city commission.~~
- (b) ~~The city commission shall adopt a resolution at a regular meeting of the city commission specifying the facility to be leased, described by metes and bounds, or by reference to a recorded plat, if any, and giving its location by street number, if any, and a description of all improvements located upon the land, and shall declare how said land and improvements have been used since same have belonged to the city and the reasons for offering such land and improvements for lease.~~
- (c) ~~At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution the land and improvements shall be~~

~~offered upon competitive conditions for lease as desired and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for receiving such bids for lease, with the first publication not less than ten (10) days before said date of receiving bids and the second publication one (1) week after the first, on which date sealed bids shall be received by the city commission for the lease of said publicly owned lands and facilities. The sealed bids must be accompanied by cash, cashier's check or certified check payable to the city in an amount equal to at least ten (10) percent of the first year's rental. The city commission, in offering such public property or public owned facility for lease, shall set out in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased. The city commission shall consider any and all proposals and accept the proposal which, in its judgment, shall be the most advantageous lease for the city; but the city commission may reject any and all bids. Upon the city commission approving any proposal submitted as provided herein, said proposal shall be accepted by resolution duly adopted, authorizing preparation of the lease, provided a valid referendum petition has not been filed. If before the day advertised for receiving bids for lease of such property, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the question of leasing such property, no lease shall be executed by the officials of the city until after approved by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.~~

- (d) ~~The resolution accepting the bid shall require the preparation of a form of lease for execution, embodying the terms and conditions of the bid and other legal requirements, for submission to the commission at its next regular meeting or at a designated meeting. At least three (3) days before the meeting date, the lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of the lease with a covering summary letter, providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) of the commissioners. The city attorney or city manager shall be required to give a summary of the lease to the public at such meeting which shall be open to the public. Citizens and taxpayers shall have an opportunity to object to the terms and conditions of such lease. If the commission is satisfied with the terms and conditions of such lease, it shall pass a resolution authorizing execution of such lease by the proper officials of the city, upon compliance upon the part of the lessee. Amendment to such lease may be made from time to time by mutual consent, observing the same formality as in the original lease.~~

## **Sec. 8.21. Disposing of public park property.**

~~The right of the city to sell, exchange, lease, franchise or deed public property, under the methods and procedures provided in this article, shall not be limited, restricted or abridged on account of the method, source or means by which such property was acquired, the source from which funds were obtained to acquire such property, the use to which this property has been devoted or is presently devoted, or whether such property is used and operated in a governmental or proprietary capacity.~~

~~Notwithstanding anything to the contrary in this Charter, the city shall not sell, or transfer, or lease for more than one (1) year, any land zoned park Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations except as approved in a referendum at a special election called pursuant to Section 7.11. ~~without a unanimous vote of the entire city commission.~~ Additionally, any land zoned park on November 10, 2004, shall require a unanimous vote of the entire city commission to remove such designation.~~

~~Notwithstanding anything to the contrary in this Charter, the city shall not enter into any lease, license agreement, concession agreement, facility use agreement, or other type of use agreement, for more than one (1) year with respect to any land zoned Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations without a unanimous vote of the entire city commission.~~

~~Additionally, any land zoned Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations shall require a unanimous vote of the entire city commission to remove such designation.~~