

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

CASE NO.:

CITY OF PEMBROKE PINES,

Plaintiff,

v.

JOE SCOTT, in his official capacity
as the BROWARD COUNTY SUPERVISOR
OF ELECTIONS,

Defendant.

_____ /

COMPLAINT

COMES NOW, Plaintiff, CITY OF PEMBROKE PINES (“City”), by and through undersigned counsel, and sues Defendant, JOE SCOTT, in his official capacity as the BROWARD COUNTY SUPERVISOR OF ELECTIONS (“SOE”), and alleges as follows:

1. This action for declaratory relief pursuant to § 86.011, Florida Statutes.
2. Plaintiff, CITY OF PEMBROKE PINES (“City”), is a municipality located in Broward County, Florida and is authorized to conduct business in Broward County, Florida.
3. Defendant, JOE SCOTT, serves as the Supervisor of Elections for Broward County Florida and is sued in his official capacity, and is otherwise sui juris.
4. All parties are sui juris in all relevant aspects.

5. Venue is proper in Broward County where both Plaintiff and Defendant regularly conduct business and Plaintiff's principal place of business is located.

GENERAL ALLEGATIONS

6. The City realleges and reincorporates paragraphs 1-5 as though fully set forth herein.

Broward County Election Special Acts

7. Since 1975, elections have been conducted in Broward County pursuant to special acts that have been amended throughout the years, collectively referred to herein as the Special Acts. Chapter 75-350, Laws of Florida, established the initial uniform timeframes for municipal elections in Broward County. Chapter 76-336, Laws of Florida, amended Chapter 75-350, and stood for almost thirty (30) years, and provided for municipal elections to be conducted in March of each year.

8. In 2004, Chapter 2004-443 was adopted, which amended the earlier Special Acts and provided municipalities with uniform dates for elections in November of each year. In 2005, the Special Acts were amended again to revise certain dates relating to municipal elections.

9. The most recent amendment to the Special Acts was in 2012, with Chapter 2012-253, Laws of Florida, which amended the qualifying periods for any municipal elections conducted in November. The pertinent parts of Chapter 2012-253 are as follows:

Section 1. It is the intent of this act to provide for uniform filing and election dates for all municipal elections in Broward County. It is

not the intent of this act to determine the length of terms of municipal offices.

Section 2. For any municipal elections held in Broward County in March of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk no earlier than noon on the first work day in January nor later than noon on the 7th day following the first work day in January of the calendar year in which the election is to be held. For any municipal elections held in Broward County in November of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk pursuant to the same timeframes as candidates who qualify for county offices as provided in section 99.061(2), Florida Statutes no earlier than noon on the first work day in September nor later than noon on the 7th day following the first work day in September of the calendar year in which the election is to be held.

Section 3. Any primary election relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in February of a calendar year, and all general elections relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in March of a calendar year or the first Tuesday after the first Monday in November of any even-numbered calendar year. Municipalities that have general elections in November of even-numbered calendar years shall not have primaries for such elections.

10. The Special Acts are attached hereto as Exhibit "A."

State Law of Special Elections

11. §100.151, Florida Statutes provides for Special Elections by local governing bodies, and reads:

County commissioners or the governing authority of a municipality shall not call any special election ***until notice is given to the supervisor of elections and his or her consent obtained*** as to a date when the registration books can be available.

12. Thus, admittedly the consent of a supervisor of elections is required before any municipality in Broward County, or Broward County itself, may

conduct a Special Election.

13. As alleged later, the statute does not condone arbitrary or capricious denials by a supervisor of elections.

City of Pembroke Pines Charter

14. Article III of the Charter of the City of Pembroke Pines sets forth the Legislature for the City, a copy of which is attached hereto as Exhibit "B."

15. The City is governed by a five (5) member governing board, comprised of a mayor elected citywide, and four commissioners elected by geographical districts, collectively the "City Commission." Section 3.02(a), City Charter.

16. The five (5) elected officials are elected for staggered four (4) year terms, with the Mayor and Commissioners for Districts 2 and 3 on one election cycle, and Commissioners for Districts 1 and 4 on the other district cycle. Section 3.02(b), City Charter.

17. Consistent with the Special Acts, the City conducts its municipal elections in March of even numbered years. Section 3.02(b), City Charter.

18. The Charter provides the mechanism for the City Commission to fill vacancies in office. Specifically, Section 3.11(d)(1) of the City Charter provides:

Filling of vacancies. Unless otherwise provided by law, if a vacancy occurs on the City Commission, the remaining members of the City Commission may, by majority vote, appoint a qualified individual to fill the vacancy on an interim basis. The City Commission shall adopt a resolution setting forth the process of appointing an interim member of the City Commission pursuant to this section.

(1) Appointment. If there are less than one hundred eighty (180) days before the next municipal election, then the interim Commission member appointed to fill the vacancy shall serve

until the next municipal election. If there are more than one hundred eighty days before the next municipal election, then the City Commission shall conduct a special election to fill the vacancy. ***The special election shall take place as soon as practicable, but no more than one hundred eighty (180) days from the date that the vacancy occurred.*** The individual elected to fill the vacancy at either the next municipal election or a special election called for that purpose shall only serve the unexpired term of the City Commission member whose position became vacant.

(emphasis added).

19. Thus, the City's Charter provides that if there is more than one hundred and eighty days left in an unexpired term, then the City Commission must conduct a Special Election to occur within one hundred and eighty (180) days "from the date the vacancy occurs."

Opinion of City Attorney

20. §99.012, Florida Statutes, entitled "Restrictions on individuals qualifying for public office," is commonly referred to as the resign-to-run law. It requires certain elected officials to resign in order to qualify as a candidate for office where any part of the term for the office for which the candidate seeks to qualify runs concurrently with that officer's current term:

(3)(a) No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds.

(b) The resignation is irrevocable.

(c) The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek.

(d) The resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer's successor is required to take office.

21. In 2010 and in 2020, a commissioner in the City resigned to run for another office. In both instances, the commissioner submitted his irrevocable letter of resignation with an effective date no later than the earlier of the date the officer would take office, if elected; or the date the officer's successor was required to take office.

22. The City Attorney opined that, under the City's Charter, the date the vacancy occurred is the effective date of the resignation. As a result, there was no vacancy to fill as of an election date that occurred prior to the effective date of the resignation, which in turn meant that a Special Election to fill the unexpired term of the vacant commission seat could not occur at an election date prior to the vacancy occurring.

23. Consistent with that advice, in both 2010 and 2020, Special Elections to fill the unexpired terms of the vacant commission seat occurred on dates after the effective dates of the resignations.

24. In 2020, then-Commissioner Castillo had resigned to run for mayor in March, 2020.

25. In 2020, the Special Election to fill the unexpired term of the vacancy created by then-Commissioner Castillo's resignation occurred on August 18, 2020 – the date of the statewide Primary Election in 2020.

The Current Election Dispute

26. In 2024, the Mayor and Commissioners for Districts 3 and 4 were scheduled for election in the City.

27. The City's Mayor at the time, Frank Ortis, who had served as Mayor

since 2004, had decided not to seek re-election in 2024. Two then-sitting Commissioners were known to have decided to qualify to run for Mayor for the March, 2024, municipal election.

28. One of the Commissioners, Angelo Castillo, represented District 4, and his term of office ran to 2026.

29. The qualifying period for the March, 2024, municipal elections was noon on January 2, 2024, through January 9, 2024. The deadline for submitting a resignation letter under the resign-to-run law was December 23, 2023.

30. It was anticipated in late 2023 that then-Commissioner Castillo would resign in order to become a candidate for Mayor in the March, 2024, municipal election, and that the effective date of such resignation would have the same effective date as Commissioner Castillo's 2020 resignation, which was no later than the earlier of the date he would take office, if elected or the date his successor would be required to take office.

31. In 2020, the then-Supervisor of Elections conducted the City's Special Election for District 4 to coincide with the August 18, 2020, statewide Primary Election. See attached City of Pembroke Pines Resolution 3693, attached hereto as Exhibit "C."

32. Consistent with its advice in 2010 and 2020, the City Attorney's Office had formed the opinion that a Special Election for District 4 could not be scheduled to occur until after there was a vacancy in the office, and that a vacancy would occur under the City's Charter upon the effective date of the resignation. If a resign-to-run letter was received from then-Commissioner

Castillo with an effective date of no later than the earlier of the date the officer would take office, if elected or the date the officer's successor was required to take office, then under the opinion of the City Attorney, the vacancy could not be filled at a Special Election in March, 2024, as the resignation would not be effective until after the March, 2024, election.

33. Consistent with the opinion and advice of the City Attorney, the City Charter requirement to conduct an election within one hundred and eighty (180) days of the vacancy could be accomplished with a Special Election for District 4 to coincide with the scheduled statewide Primary Election to be conducted on August 20, 2024.

34. In late December, 2023, in anticipation of a similar scenario as in 2020, the City Attorney's Office contacted counsel for the SOE to confirm ballot access pursuant to §100.151, Florida Statutes, for the City for the August 20, 2024, Primary Election in order for the City to conduct a Special Election to fill the unexpired term for the District 4 Commissioner.

35. On December 5, 2023, the County Attorney's Office, which serves as legal counsel for the SOE, advised the City Attorney's Office via email that "the Supervisor of Elections has advised that he is not in a position to make ballot access available to the City of Pembroke Pines for a Special Election to coincide with the August 2024 Primary Election."

36. In that same December 5, 2023, email, the SOE's counsel advanced an interpretation of the Special Acts to contemplate uniform elections for all municipal elections in Broward County, and that those elections are held in

either March or November of each year.

37. In that same December 5, 2023, email, SOE's counsel stated: "Further, the Broward County Act does not require the Supervisors to run those elections for municipalities." Thus, the SOE asserted that he is not required to conduct any municipal elections in Broward County.

38. In that same December 5, 2023, email, the SOE counsel further asserted a legal position contrary to the advice the City Attorney had given the City on the ability of the City to conduct a Special Election for District 4 at the March, 2024, election, when a resignation would be effective after the March, 2024, election, and asserted that the City could have its Special Election for District 4 in March, 2024 notwithstanding the effective date of the resignation.

39. In that same December 5, 2023, email, the SOE counsel further stated that if the City did not act in accordance with the opinion of the SOE on the ability to conduct a Special Election for District 4 at the March, 2024, that the City was making a decision to choose not to have an election and therefore the only option for the City would be access for the November, 5, 2024, statewide General Election. A copy of the December 5, 2023, email is attached as Exhibit "D."

40. In a letter dated December 19, 2023, and received by the City Clerk on December 23, 2023, then-Commissioner Angelo Castillo submitted his irrevocable letter of resignation as District 4 Commissioner in order to be a candidate for Mayor of the City. The effective date of the resignation was "the date that I would take office as Mayor, if elected, which is the earlier of the two

options set forth in the statute.” A copy of then-Commissioner Angelo Castillo’s December 19, 2023, letter is attached hereto as Exhibit “E.”

41. Under Section 3.07(a) of the City’s Charter, the date on which then-Commissioner Angelo Castillo would take office if elected Mayor would have been the first regular City Commission meeting after certification of the results of the March, 2024, election, which was April 3, 2024. See Section 3.07(2) of the City Charter. See Exhibit “B.”

42. Under Section 3.11(d)(1) of the City Charter, as the next municipal election in the City is not until March, 2026, a Special Election is required within one hundred and eighty (180) days from the date the vacancy occurs.

43. The August 20, 2024, statewide Primary Election is within one hundred and eighty (180) days of the date the vacancy occurred under the interpretation of the City Attorney and consistent with the past practices of the City Commission in 2010 and 2020. The November 5, 2024, General Election would be inconsistent.

44. The legal dispute initiated by the SOE’s office regarding its interpretation of when a vacancy occurs in the City’s Charter, which contradicted the advice given to the City Commission by the City’s chief legal advisor, the City Attorney, and the past practices of the City Commission, created an unprecedented dilemma for the City Commission. It could disregard the long-standing legal advice of the City Attorney and act contrary to its previous course of conduct in 2010 and 2020, or it would have to find a way to conduct a Special Election contrary to the requirements of the City’s Charter.

45. The City Commission decided to act consistent with the advice of its own counsel, and in accordance with its past practices in 2010 and 2020, and scheduled the Special Election for District 4 to occur on November 5, 2024, to coincide with the statewide General Election. See Ordinance 2017, attached hereto as Exhibit “F.”

46. The Special Acts, initially adopted in 1975, provides for uniform municipal elections in Broward County. They do not prohibit Special Elections for municipalities to coincide with the statewide Primary Election.

47. The current position of the current SOE to deny access to a municipality for a Special Election to coincide with a Statewide Primary Election departs from each and every one of his predecessors dating back to 1969. Jane Carroll, Miriam Oliphant, Dr. Brenda Snipes and Peter Antonacci all permitted municipalities to conduct Special Elections to coincide with the statewide Primary Election.

48. The Special Acts, initially adopted in 1975, do not prohibit Special Elections for municipalities on dates throughout the calendar year other than those that coincide with statewide elections.

49. The current position of the current SOE to deny access to a municipality for a Special Election on dates that did not coincide with any statewide election or municipal General Election departs from each and every one of the current SOE’s predecessors dating back to 1969. Jane Carroll, Miriam Oliphant, Dr. Brenda Snipes and Peter Antonacci all permitted municipalities to conduct Special Elections on dates throughout the calendar year other than any

statewide or general municipal election dates.

50. The City of Pembroke Pines conducted a Special Election in August, 2020, during the 2020 statewide Primary Election, for District 4 and for a referendum.

51. Dating back to 1994, there were municipal Special Elections in at least ten (10) of the statewide Primary Elections: 1994, 1996, 1998, 2000, 2002, 2004, 2010, 2014, 2016 and 2020. [Election Results Information \(browardvotes.gov\)](https://www.browardvotes.gov)

52. Dating back to 1994, there were at least twenty-two (22) stand-alone municipal Special Elections that were not conducted in either March or November. [Election Results Information \(browardvotes.gov\)](https://www.browardvotes.gov). See Exhibit “G.”

53. All of the Special Elections referenced in paragraphs 48 and 49 were conducted under the Special Acts, and many of them conducted under the most recent amendment of the Special Acts in 2012.

54. The current position of the SOE appears to differ from his position in 2022. While there was no municipal Special Election coinciding with the August 23, 2022 statewide Primary Election, the current SOE advised at least one Broward County municipality of the costs for ballot access for a Special Election to be conducted to coincide with the August 23, 2022 statewide Primary Election on that date. This suggests that the current SOE was permitting ballot access to that municipality if it chose to schedule a Special Election for the 2022 statewide Primary Election.

55. The budget for the SOE is included in the annual budget adopted by

the Broward County Board of County Commissioners. §129.201, Florida Statutes.

56. The total budget for the SOE for Fiscal Year 2024 is approximately \$40,197,800.00.

57. For the March 2024 Presidential Preference Primary, the SOE's budget was approximately \$9,895,100. Of note is that the budget included a message that the County would be reimbursed for the municipal elections by the municipalities conducting such on that date. This infers that the SOE understands he is obligated to conduct municipal elections, contrary to the position he took with the City.

58. For the August 2024 Primary Election, the SOE's budget is approximately \$10,670,800.00.

59. The SOE is required to conduct the August 2024 Statewide Primary with precincts in the City. These precincts must be staffed by the SOE with the registration books and appropriate election personnel and equipment.

60. Upon information and belief, the SOE would have incurred no additional equipment, transportation or personnel costs in order to conduct a Special Election for the City to coincide with the August 2024 statewide Primary Election.

61. Upon information and belief, the only additional expenditure for a City Special Election to coincide with the statewide Primary Election than what the SOE was already expending for the August 2024 statewide Primary Election would have been the costs relating to the preparation of the additional ballot

language for the City's Special Election.

COUNT I – DECLARATORY JUDGMENT

62. The City hereby realleges and reincorporates all the allegations contained in paragraphs 1-61 above as though the same were fully set forth herein and further alleges as follows:

63. There is a bona fide dispute between the parties regarding the SOE's ability to impose his legal opinion of the determination of when a vacancy occurs under the City's Charter. The SOE disagrees with the analysis and advice provided to the City by the City Attorney. The SOE concluded that the City should agree with his interpretation and schedule a Special Election contrary to the advice of the City Attorney and contrary to the past practices of the City Commission in its implementation of its own charter provisions dating back to 2010.

64. There is a bona fide dispute between the parties on whether the SOE may deny the City of Pembroke Pines access to the August 20, 2024, statewide Primary Election. The SOE has budgeted in excess of \$10,000,000.00, to conduct that election. The statewide Primary Election is taking place within the City of Pembroke Pines. Polling places, poll workers, equipment and personnel are already committed to the election. The sole additional expense for a City Special Election would be related to additional ballot costs such as printing. The SOE charges municipalities for such costs, and the City has paid it in the past.

65. The decision to deny the City ballot access on the August 20, 2024, statewide Primary is contrary to the decisions made by every single one of the

SOE's predecessors, dating back to Jane Carroll who was first elected in 1968 (same election as President Nixon). In fact, municipalities conducted Special Elections coinciding with the statewide Primary Elections in at least ten (10) of the statewide Primary Elections since 1994.

66. Under the very same fact scenario presented this year, in 2020 the City was permitted ballot access and conducted a Special Election for the vacancy in District 4 at the August, 2020, statewide Primary Election.

67. The City's Charter requires a Special Election to be conducted within one hundred and eighty (180) days of the date on which a vacancy occurs.

68. Under the SOE's current view of the Special Acts, no municipality could conduct any Special Election unless it is scheduled in March or November. However, under the Special Acts, November elections can only occur in even numbered years. Section 3 of Chapter 2012-253, Laws of Florida.

69. As a result, it is possible that if a vacancy in office occurs in the City in January of an odd-numbered year, the City would not be permitted to conduct a Special Election for fourteen (14) months. For example, a vacancy in mid-January, 2025 (after the qualifying period for the March, 2025 municipal elections under the Special Act) could not be filled by Special Election until March, 2026.

70. The language in the City's Charter requiring the Special Election to be held within one hundred and eighty (180) days of the date the vacancy occurs was approved by the voters by referendum.

71. The decision of the SOE not to permit Special Elections for the City

other than in March and November frustrates the intent of the electorate of the City to have vacancies filled in a timely manner.

72. The SOE's position that it is not required to conduct municipal elections is specious. Candidly, that is his job. The taxpayers of the County contribute approximately \$40,000,000.00 in tax dollars for the budget of the SOE. Approximately \$17,361,900 of the budget is for general and administrative costs. The taxpayers expect that their elected SOE will conduct all elections in Broward County, not just the ones he chooses to conduct.

73. The City, as do all municipalities in Broward County, has a reasonable expectation that the chief elections officer in Broward County, the SOE, who is elected by the electorate of the County, will conduct his office and render decisions on scheduling of municipal elections in a way that is not arbitrary or capricious.

74. The language in the Special Act does not prohibit Special Elections for municipalities occurring on dates other than in March or November. These same Special Acts have applied to each and every one of the current SOE's predecessors since the original one in 1975. They have all conducted Special Elections for municipalities on dates other than in March or November, and specifically conducted special Municipal Elections coinciding with the statewide Primary Election on at least ten (10) occasions since 1994.

75. The SOE decision whether to consent to a Special Election date under §100.151, Florida Statutes, cannot be arbitrary or capricious.

76. There is no reason for the SOE to deny the City access to the ballot

for the August 20, 2024, statewide Primary Election, and the decision to do so is arbitrary and capricious.

77. The City is in doubt of the right of the SOE to deny it a Special Election on a date required by the City's Charter. The SOE appears to have denied the City access for no reason, and this has compelled the City to take action to move the election to a date that exceeds the requirement of its Charter, and in turn contrary to the will of the people of the City of Pembroke Pines.

78. The City has a present need for a declaration that the SOE improperly denied it access to the August 20, 2024, statewide Primary Election. This issue is capable of re-occurring. The language in the City's Charter requires Special Elections within one hundred and eighty (180) days of the date on which the vacancy occurs. A vacancy can occur at any time and for reasons unrelated to resign to run, including death of an elected official. Moreover, upon information and belief, the City is not the only municipality that will be frustrated by the SOE's unjustified denial of ballot access for Special Elections outside of March and November.

WHEREFORE, the City requests this Court enter a judgment declaring that the SOE must allow ballot access to the City for a Special Election during the August 20, 2024, Primary Election; that the SOE improperly imposed its legal opinion on when a vacancy occurs under the City Charter; that the SOE improperly denied ballot access to the City for a Special Election coincidental with the August 20, 2024, Primary Election; that the Special Acts do not preclude municipalities in Broward County, including the City, from conducting Special

Elections on dates other than November and March; that the Supervisor of Elections is required to conduct elections for municipalities in Broward County; and that the SOE cannot arbitrarily and capriciously deny consent under §100.151, Florida Statutes, to a municipality in Broward County as to the date of Special Election.

The City reserves its right to seek supplemental relief upon the declaration of rights by this Court.

NOTICE OF DESIGNATION OF ELECTRONIC MAIL ADDRESS

Notice is hereby given, in conformity with the requirements of Florida Rules of Judicial Administration 2.516, of designation of a primary and secondary email addresses for the undersigned as set forth below:

1. Primary email addresses: stearns@jambg.com, johnson@jambg.com, SGoren@gorencherof.com, & MCirullo@gorencherof.com
2. Secondary email address: young@jambg.com & nunez@jambg.com, klongo@gorencherof.com , cdunn@gorencherof.com .

Dated: April 12, 2024.

/s/Christopher J. Stearns
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Section 12A. The Board of Commissioners is hereby authorized and empowered, in order to provide for and carry out the purposes of this act, to compromise and settle any accounts receivable or other claim for money due and owing to the district through the acceptance of promissory notes according to such terms and conditions as the board, in its discretion, may determine; provided, however, that said Board of Commissioners is hereby prohibited from assigning, selling, or setting over said promissory note to commercial institutions or private collection agencies for collection.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1975.

CHAPTER 75-350

House Bill No. 2103

AN ACT relating to Broward County; providing for legislative intent; providing uniform filing dates for municipal elections; providing uniform election dates for municipal elections; providing for the elimination of primary elections in municipal races; providing that the candidate with the highest number of votes shall be the winner and take office within ten days after the election; providing for terms of office; providing for correspondence of terms of municipal office to the common dates provided in this act; providing canvassing of municipal elections by the county canvassing board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. It is the intent of this act to provide for uniform filing and election dates for all municipal elections in Broward County. It is not the intent of this act to determine the length of terms of municipal offices.

Section 2. Candidates for any municipal office in Broward County shall file such papers and pay such fees as may be required by law with the applicable city clerk, no earlier than noon on the last Tuesday in January nor later than noon on the second Tuesday in February of the calendar year in which the election is to be held.

Section 3. Any election relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in March of the calendar year.

Section 4. There shall be no primary election in races for municipal offices in Broward County.

Section 5. The candidate or candidates, depending upon the number to be elected, receiving the highest number of votes in the election shall be the winner. Such duly elected municipal officers shall take office within

ten (10) days after elections with the specific day to be decided by local ordinance.

Section 6. Initially any municipal officer whose term of office expires subsequent to July 1 in any calendar year shall stand for re-election in March of the following calendar year and shall continue in office until the election of his successor. Initially any municipal officer whose term of office expires prior to and including July 1 in any calendar year shall stand for re-election in March of that calendar year.

Section 7. The provisions of section 6 shall apply only to the first election for each office to be held under the provisions of the act. Thereafter, the terms of all municipal offices shall correspond to the dates provided pursuant to this act.

Section 8. All municipal elections shall be canvassed by the county canvassing board with said board certifying the results to each city clerk within five (5) days after the election.

Section 9. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1975.

CHAPTER 75-351

House Bill No. 2176

AN ACT relating to the Hillsboro Inlet Improvement and Maintenance District, Broward County; adding section 11A to chapter 57-1183, Laws of Florida, authorizing said district to take such steps as may be necessary to prevent continual destruction of rights and property south of Hillsboro Inlet within the City of Pompano Beach; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 11A is added to chapter 57-1183, Laws of Florida, to read:

Section 11A. Should any improvement or maintenance of the Hillsboro Inlet by the Hillsboro Inlet Improvement and Maintenance District contribute to or accelerate erosion of any beach area in the City of Pompano Beach or cause any area of the City of Pompano Beach to be denied drainage and navigation through the inlet which it formerly enjoyed, then the Hillsboro Inlet Improvement and Maintenance District is hereby authorized to build such structures and perform such activities as a part of its regular duties as will;

(a) Insure that the inlet's improvements or maintenance no longer contribute to or accelerate erosion of any beach area in the City of Pompano Beach, and

Authority. Thereafter, the license may be again transferred to any new lessee of the Port Everglades Authority upon the same terms and conditions. It is the intent and purpose of this section that the license shall at all times be the property of the Port Everglades Authority subject to its transfer from time to time to enable the lessee of the Port Everglades Authority to operate under the license authorized by this act.

Section 4. This act shall take effect October 1, 1976.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 25, 1976.

CHAPTER 76-336

House Bill No. 3555

AN ACT relating to Broward County; amending Chapter 75-350, Laws of Florida; providing for legislative intent; amending Section 2 of Chapter 75-350, Laws of Florida, to provide that candidates for municipal office shall file qualification papers no earlier than the 2nd day of January nor later than the 16th day of January of the calendar year in which election is to be held; amending Section 3 of Chapter 75-350, Laws of Florida, to provide that any primary election for municipal office in a municipality in Broward County shall be held on the 2nd Tuesday of February of the calendar year and all general elections for municipal office held in a municipality in Broward County shall be held on the 2nd Tuesday in March of the calendar year; amending Section 4 of Chapter 75-350, Laws of Florida, to provide that primary elections may be held in races for municipal offices in Broward County if a municipal charter or ordinance provided for a primary election prior to effective date of Chapter 75-350, Laws of Florida, provided the municipality adopts or reenacts an ordinance authorizing such primary elections approved by a referendum; amending Section 5 of Chapter 75-350, Laws of Florida, to provide that in determining the slate of candidates to be established by any primary election for races for municipal offices in Broward County that local charter provisions or ordinances shall provide how the slate of candidates for the general election shall be determined; providing an effective date.

Be It Enacted by the Legislature of the State of Florida;

Section 1. That Section 2 of Chapter 75-350, Laws of Florida, is hereby amended to read as follows:

Section 2. Candidates for any municipal office in Broward County shall file such papers and pay such fees as may be required by law with the applicable city clerk no earlier than noon on the 2nd day in January nor later than noon on the 16th day in January of the calendar year in which the election is to be held.

Section 2. That Section 3 of Chapter 75-350, Laws of Florida, is hereby amended to read as follows:

Section 3. Any primary election relating to a municipal office held in a municipality in Broward County shall be held on the 2nd Tuesday of February and all general elections relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in March of the calendar year.

Section 3. That Section 4 of Chapter 75-350, Laws of Florida, is hereby amended to read as follows:

Section 4. Any municipality whose charter or ordinances provided for a primary election to determine a slate of candidates for a municipal office and which charter or ordinance provision was in effect prior to the effective date of Chapter 75-350, Laws of Florida, may, upon adopting or reenacting an ordinance authorizing primary elections approved by a majority vote of those qualified electors of the municipality voting in a referendum election, conduct such a primary election to determine a slate of candidates for election to municipal office.

Section 4. That Section 5 of Chapter 75-350, Laws of Florida, is hereby amended to read as follows:

Section 5. In any primary election held in any race for municipal offices in Broward County the manner and method by which a slate of candidates is to be determined shall be as provided by the Charter or Code of Ordinances of the municipality conducting the primary election as provided herein. In any general election in races for municipal offices in Broward County, the candidate or candidates, depending upon the number to be elected, receiving the highest number of votes in the election shall be the winner. Such duly elected municipal officers shall take office within fourteen (14) days after the general election with the specific day to be decided by local ordinance.

Section 5. This act shall take effect upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 25, 1976.

CHAPTER 76-337

House Bill No. 3581

AN ACT relating to Broward County; amending section 9, Chapter 24415, Laws of Florida, 1947, as amended, authorizing and empowering the Board of Commissioners of the South Broward Hospital District to borrow funds not to exceed the sum of \$1,000,000 for capital acquisition to be repaid within 5 years; providing an effective date.

Be It Enacted by the Legislature of the State of Florida;

Section 1. Section 9 of Chapter 24415, Laws of Florida, 1947, as amended, is amended to read:

CHAPTER 2004-443

House Bill No. 1401

An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended by chapters 76-336, 77-507, and 81-349, Laws of Florida; revising provisions relating to the governing of municipal elections in Broward County; specifying the dates on which municipal candidates shall file qualification papers and pay certain fees with respect to certain elections; revising provisions relating to the dates on which municipal primary and general elections shall be held; authorizing municipalities to extend or reduce terms of office for certain purposes; authorizing the governing body of each municipality to change the date of its municipal elections by ordinance, subject to approval by referendum; requiring the supervisor of elections to provide to each municipality a schedule of fees and charges for all municipal election services for the following calendar year by a time certain; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 75-350, Laws of Florida, as amended by chapters 76-336, 77-507, and 81-349, Laws of Florida, is amended to read:

Section 1. It is the intent of this act to provide for uniform filing and election dates for all municipal elections in Broward County. It is not the intent of this act to determine the length of terms of municipal offices.

Section 2. For any municipal elections held in Broward County in March of a calendar year, candidates for any municipal office in such elections in Broward County shall file such papers and pay such fees as may be required by law with the applicable municipal city clerk no earlier than noon on the first work day in January nor later than noon on the 14th day following the first work day in January of the calendar year in which the election is to be held. For any municipal elections held in Broward County in November of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk no earlier than noon on the first work day in September nor later than noon on the 14th day following the first work day in September of the calendar year in which the election is to be held.

Section 3. Any primary election relating to a municipal office held in a municipality in Broward County shall be held on the second 2nd Tuesday in of February of a calendar year or the first Tuesday of October of any even-numbered calendar year and all general elections relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in March of a the calendar year or the first Tuesday in November of any even numbered calendar year.

Section 4. In any primary election held in any race for municipal offices in Broward County the manner and method by which a slate of candidates is to be determined shall be as provided by the Charter or Code of Ordinances of the municipality conducting the primary election as provided

herein. In any general election in races for municipal offices in Broward County, the candidate or candidates, depending upon the number to be elected, receiving the highest number of votes in the election shall be the winner. Such duly elected municipal officers shall take office within fourteen (14) days after the general election with the specific day to be decided by local ordinance.

~~Section 5. In order to implement any change in the month in which elections will be held, Broward County municipalities may either extend or reduce terms of office of existing elected officials for a period of up to eight (8) months. Initially any municipal officer whose term of office expires subsequent to July 1 in any calendar year shall stand for re-election in March of the following calendar year and shall continue in office until the election of his successor. Initially any municipal officer whose term of office expires prior to and including July 1 in any calendar year shall stand for re-election in March of that calendar year.~~

~~Section 6. The governing body of each municipality in Broward County may, at its discretion, amend its Charter to change the date of its municipal elections in accordance with this act by ordinance, subject to approval by referendum; provided, however, that any change in election date will not be effective until at least eighteen (18) months after the approval of the ordinance by the municipality's governing body. The provisions of section 6 shall apply only to the first election for each office to be held under the provisions of the act. Thereafter, the terms of all municipal offices shall correspond to the dates provided pursuant to this act.~~

Section 7. All municipal elections shall be canvassed by the county canvassing board with said board certifying the results to each city clerk within five (5) days after the election.

Section 8. The Broward Supervisor of Elections shall provide to each Broward County municipality by the first work day in April of the calendar year a schedule of fees and charges for municipal election services for the following calendar year.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.

CHAPTER 2005-318

House Bill No. 1047

An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended; revising timeframe for municipal elections; providing dates for candidates to file paperwork; providing dates of municipal primary and general elections; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 2 and 3 of chapter 75-350, Laws of Florida, as amended by chapter 2004-443, Laws of Florida, are amended to read:

Section 2. For any municipal elections held in Broward County in March of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk no earlier than noon on the first work day in January nor later than noon on the ~~7th~~ 14th day following the first work day in January of the calendar year in which the election is to be held. For any municipal elections held in Broward County in November of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk no earlier than noon on the first work day in September nor later than noon on the ~~7th~~ 14th day following the first work day in September of the calendar year in which the election is to be held.

Section 3. Any primary election relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in February of a calendar year, ~~or the first Tuesday of October of any even-numbered calendar year~~ and all general elections relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in March of a calendar year or the first Tuesday after the first Monday in November of any even-numbered calendar year. Municipalities that have general elections in November of even-numbered calendar years shall not have primaries for such elections.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.

CHAPTER 2012-253

House Bill No. 1153

An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended; revising provisions relating to the governing of municipal elections in the county; revising the dates on which municipal candidates must file qualification papers and pay certain fees with respect to certain elections; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 75-350, Laws of Florida, as amended by chapters 2004-443 and 2005-318, Laws of Florida, is amended to read:

Section 1. It is the intent of this act to provide for uniform filing and election dates for all municipal elections in Broward County. It is not the intent of this act to determine the length of terms of municipal offices.

Section 2. For any municipal elections held in Broward County in March of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk no earlier than noon on the first work day in January nor later than noon on the 7th day following the first work day in January of the calendar year in which the election is to be held. For any municipal elections held in Broward County in November of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk pursuant to the same timeframes as candidates who qualify for county offices as provided in section 99.061(2), Florida Statutes ~~no earlier than noon on the first work day in September nor later than noon on the 7th day following the first work day in September of the calendar year in which the election is to be held.~~

Section 3. Any primary election relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in February of a calendar year, and all general elections relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in March of a calendar year or the first Tuesday after the first Monday in November of any even-numbered calendar year. Municipalities that have general elections in November of even-numbered calendar years shall not have primaries for such elections.

Section 4. In any primary election held in any race for municipal offices in Broward County, the manner and method by which a slate of candidates is to be determined shall be as provided by the Charter or Code of Ordinances of the municipality conducting the primary election as provided herein. In any general election in races for municipal offices in Broward County, the candidate or candidates, depending upon the number to be elected, receiving the highest number of votes in the election shall be the winners ~~winner~~. Such

duly elected municipal officers shall take office within 14 ~~fourteen~~ (14) days after the general election, with the specific day to be decided by local ordinance.

Section 5. In order to implement any change in the month in which elections will be held, Broward County municipalities may either extend or reduce terms of office of existing elected officials for a period of up to 8 ~~eight~~ (8) months.

Section 6. The governing body of each municipality in Broward County may, at its discretion, amend its Charter to change the date of its municipal elections in accordance with this act by ordinance, subject to approval by referendum; ~~provided, however, that~~ any change in election date will not be effective until at least 18 ~~eighteen~~ (18) months after the approval of the ordinance by the municipality's governing body.

Section 7. All municipal elections shall be canvassed by the county canvassing board, with said board certifying the results to each city clerk within 5 ~~five~~ (5) days after the election.

Section 8. The Broward Supervisor of Elections shall provide to each Broward County municipality by the first work day in April of the calendar year a schedule of fees and charges for municipal election services for the following calendar year.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.

ARTICLE III

LEGISLATURE

SECTION 3.01 CITY COMMISSION; POWERS, COMPENSATION AND QUALIFICATIONS.

There shall be a City Commission with all legislative powers of the City vested therein, consisting of five (5) members, one of whom shall be the Mayor. The Mayor shall meet the same residence requirements as Commissioners, except that he/she shall be elected at-large. All qualifications and elections for the Office of City Commission or Mayor shall be conducted on a nonpartisan basis.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate 9-1-98; Amendment adopted by electorate, 11-7-06)

SECTION 3.02 COMMISSION MEMBERS.

(a) *Composition:* There shall be a City Commission composed of five (5) members: one Mayor and four (4) commission members. Each commission member shall be elected from one of the four (4) districts within the city.

(b) *Regular elections:* The regular election of the City Commission members shall be held on the second (2nd) Tuesday of March in each even numbered year, in the manner provided in this Charter and shall be for four (4) year terms. Regular elections for the Mayor and Commission members representing District 2 and District 3 shall be held in 1996 and every four years thereafter. Regular elections for Commission members representing District 1 and District 4 shall be held in 1998 and every four (4) years thereafter.

(c) *Residency requirements:* Each commission member and candidates for City Commission, must be domiciled for at least one year at the time of qualification as a candidate within the district from which he or she is seeking election and shall be elected from the district in which he or she is domiciled by a vote of only the registered electors residing within that district. If, as the result of the most recent City redistricting, a candidate is not domiciled for one year within the district that he or she is seeking to represent, then the candidate may seek election in the district in which he or she resides at the time of qualification. The candidate receiving the greatest number of votes in a district shall be elected. The Mayor shall be domiciled anywhere within the City and be elected at-large. In the event no one qualifies for election for any designated district, a vacancy shall be declared and filled in accordance with Section 3.11 of the Charter.

(d) *Composition of districts:* The City of Pembroke Pines shall be divided into four (4) election districts. The geographic boundaries of the four (4) election districts shall be composed of roughly equal populations, and shall be compact, proportional and logically related to the natural boundaries of the neighborhoods within the City. The principles of nondiscrimination and one person/one vote shall be strictly adhered to. The boundaries of the districts within the limits of the City as now existing are continued and may be amended as provided in Section 3.02(e) of the Charter.

(e) *Redistricting:* Following the decennial census in 2010, and every ten (10) years thereafter, or sooner if it is determined by the Commission that districts shall have become unbalanced due to population shifts, the City Commission shall contract with an accredited four (4) year college or university located within the State of Florida for the purpose of identifying and designating the four (4) election districts within the City of Pembroke Pines. The City Commission shall adopt the redistricting plan as designated, provided that the plan incorporates the principles of nondiscrimination and fairness set forth above. In the event an elected commission member no longer resides in the district from which he or she is elected as a direct result of the revisions to district boundaries in accordance with this section, that Commission member shall complete his or her term. Nothing contained within this section shall be construed to alter residence requirements for any candidate including incumbents,

during subsequent regular elections. (Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate, 3-11-86; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12; Amendment adopted by electorate, 11-4-14)

SECTION 3.03 NONPARTISAN ELECTIONS.

All qualifications and elections for the Office of City Commission or Mayor shall be conducted on a nonpartisan basis.

(Adopted by electorate, 11-7-06)

SECTION 3.04 QUALIFICATIONS, FILING FEES AND OATHS.

(a) A candidate for any elective position in the City government shall designate the office for which he/she has qualified and pay to the City Clerk a filing fee in an amount equal to three (3) percent of the annual salary of the office.

(b) A candidate for the office of Mayor shall file with the City Clerk a written notice of candidacy which shall designate that the candidate is a qualified elector of the City and a resident of the City for at least one (1) year immediately and continuously prior to qualifying for elective office.

(c) Candidates for City Commission districts shall file with the City Clerk a written notice of candidacy, which shall designate in which election district of the City that candidate resides. A candidate for one (1) of the four (4) Commission seats in the City shall be a qualified elector of the City and a resident of the City residing within their designated election district for at least one (1) year immediately and continuously prior to qualifying for elective office.

(d) The City, where not inconsistent with this Charter, shall adopt that form and manner of conducting election as shall be provided by the laws of the State of Florida.

(Adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.05 MAYOR.

The election for Mayor shall be held on the second (2nd) Tuesday of March in even numbered years and beginning March, 1984, the Mayor's term shall be for a four (4) year term. The Mayor shall preside at meetings of the Commission, shall be recognized by the Governor for the purposes of military law, for serving of process, execution of contract, deeds, and other documents, and is the City official designated to represent the City in all agreements with other governmental entities, but shall have no administrative duties except as required to carry out responsibility herein. The Mayor shall be a member of the City Commission, shall vote and have the right to debate on all issues coming before the Commission. He shall have the duties, powers, privileges and obligations possessed and imposed on a City Commission member.

(a) In the event of the death, resignation, or removal of the Mayor, the Vice Mayor shall vacate the office of Commission member and shall serve as interim Mayor until a successor is determined in accordance with the provisions of Section 3.11 of the City's Charter.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-8-88; Amendment adopted by electorate, 3-10-92; Amendment adopted by electorate, 11-7-06)

SECTION 3.06 VICE MAYOR.

The City Commission, at the first regularly scheduled meeting in April of each year, shall elect, by majority vote, the Vice Mayor. The Vice Mayor shall have the privileges, powers and duties of the Mayor in the Mayor's absence or disability.

A vacancy on the Commission created by the death, resignation, removal or the elevation of the Vice Mayor to Mayor shall be filled in accordance with the provisions of Section 3.11 of the City's Charter.

(Amendment adopted by electorate, 3-11-86; Amendment adopted by electorate, 3-10-92; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-7-06)

SECTION 3.07 PROCEDURE.

(a) *Organizational.* At the first regular Commission meeting following the certification of the election results pursuant to the Florida election Code, as may be amended from time to time, the Commission shall meet in the City Hall to hold an organizational meeting, at which time and place all newly elected officials shall take an oath of office and assume the duties of their office.

(b) *Regular meetings.* The Commission shall meet regularly at least twice in every month at such times and places as the Commission may prescribe by ordinance. The Commission may, by majority vote, declare some meetings during a fiscal year to be unessential to conduct the public business of the City.

(c) *Special meetings.* Except for Emergency Meetings, Special Meetings may be held on the call of the Mayor or any request of a majority of the members and, whenever practicable, upon no less than forty-eight (48) hours' notice to each member and the public.

(d) *Rules.* The Commission shall determine its own rules and order of business.

(e) *Voting.* Voting, on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the journal. A majority of the Commission shall constitute a quorum. No action of the Commission except as otherwise provided in the preceding sentence shall be valid or binding unless adopted by the affirmative vote of three (3) members of the Commission.

(f) *Journal.* The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered on the journal of the proceedings of the Commission.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-5-02; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.08 COMPENSATION AND EXPENSES.

The Commission may determine the annual salary of the Commission members by ordinance, but no ordinance increasing such salary shall become effective until the date of a commencement of the terms of the Commission members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Any increase in compensation to Commission members or the Mayor shall be subject to a limitation whereby such compensation shall not be increased by more than twenty-five (25) percent in one calendar year. Nothing in this paragraph shall limit the right of any Commission member or the Mayor to be reimbursed for expenses actually incurred by him, with Commission approval, while performing duties on behalf of the City.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 3.09 PROHIBITIONS.

(a) *Appointment and removals.* Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Commission may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(b) *Interference with administration.* Except for the purpose of inquiries and investigations, the Commission or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the Commission from closely scrutinizing by question and personal observation, all aspects of City government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the Commission. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the ordinary municipal operations of the City, and that recommendations for change or improvement in City government operations be made through the City Manager.

(c) *Holding other office.* No former elected City official shall hold any compensated appointed City office or employment until one (1) year after the expiration of the term for which he was elected.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 3.10 OATH REQUIRED.

Every officer of the City, whether elected or appointed under the provisions of this Charter, or under any ordinance of the City, shall, before assuming the duties of his office, take and subscribe, before some judicial officer, duly qualified elected official or notary of this State, the following oath:

"I do solemnly swear (or affirm) that I will support, protect, and defend the constitution and government of the United States and of the State of Florida and the Charter and ordinances of the City of Pembroke Pines; that I am duly qualified to hold office under the constitution of the State; and that I will well and faithfully perform the duties of (*title of office*) on which I am now about to enter. So help me God."

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.11 VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

a. *Vacancies.* The office of a Commission member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the Commission.

b. *Forfeiture of office.* A Commissioner shall forfeit his office if said person, (a) lacks any qualifications for the office prescribed by this Charter or other applicable law including § 100.361, Florida Statutes, (1989) as may be amended from time to time; or (b) is convicted of a felony while in office, or (c) fails to attend four consecutive regular meetings of the Commission, unless such absences are each excused by motion setting forth the reason for the absence duly entered upon the minutes or (d) having been elected or appointed from an election district fails to reside within the election district from which he was elected or appointed for any reason other than redistricting.

c. *Forfeiture hearing.* A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a Public Hearing on demand and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

d. *Filling of vacancies.* Unless otherwise provided by law, if a vacancy occurs on the City Commission, the remaining members of the City Commission may, by majority vote, appoint a qualified individual to fill the vacancy on an interim basis. The City Commission shall adopt a resolution setting forth the process of appointing an interim member of the City Commission pursuant to this section.

(1) *Appointment.* If there are less than one hundred eighty (180) days before the next municipal election, then the interim Commission member appointed to fill the vacancy shall serve until the next

municipal election. If there are more than one hundred eighty days before the next municipal election, then the City Commission shall conduct a special election to fill the vacancy. The special election shall take place as soon as practicable, but no more than one hundred eighty (180) days from the date that the vacancy occurred. The individual elected to fill the vacancy at either the next municipal election or a special election called for that purpose shall only serve the unexpired term of the City Commission member whose position became vacant.

(3) In the event of a vacancy in the position of Mayor, the Vice Mayor shall forthwith commence to serve as acting Mayor until the Mayor's position is filled pursuant to this section. When the Vice Mayor becomes acting Mayor, the remaining members of the City Commission shall appoint a qualified individual from the Vice Mayor's district to serve as interim Commissioner. Once the vacancy in the position of Mayor is filled, the Vice Mayor shall return to his or her district position and the individual appointed to serve as interim Commissioner shall be removed from office. The Vice Mayor-designate shall serve as Vice Mayor when the Vice Mayor becomes acting Mayor.

(4) In the event of the death, resignation, or removal of the Vice Mayor, the Commission shall, by majority vote, elect one (1) of the Commissioners to serve as Vice Mayor.

e. *Extraordinary vacancies.* In the event that a majority of the members of the Council are removed by death, disability, law or forfeiture of office, the governor shall make interim Commission appointments and the Commission shall call a special election as provided in d. above and such election shall be held in the same manner as the election held pursuant to the previous City Charter.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 3-13-90; Amendment adopted by electorate, 3-10-92; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.12 ORDINANCES AND RESOLUTIONS.

(1) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection, or paragraph of a section or subsection.

(2) *Procedure.* The procedure for the adoption of ordinances shall be as set forth in Section 166.041, F.S., as may be amended from time to time.

(3) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Commission shall be by ordinance which:

(a) Establish, alter, or abolish any city department or agency.

(b) Establish a rule or regulation the violation of which carries a penalty.

(c) Levy taxes authorized by general law.

(d) Grant, renew or extend a franchise.

(e) Authorize the borrowing of money not inconsistent with the limitations in the constitution and general law of the state.

(f) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the City.

(g) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VII, Section 7.09(3), with respect to the repeal of ordinances reconsidered under the referendum power.

(Adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.13 EMERGENCY ORDINANCES.

To meet a public emergency affecting life, health, property, or the public peace, the City Commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise, set service or user charges for any municipal services or authorize the borrowing of money except as provided under the emergency appropriations provision of this charter.

(1) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(2) *Procedure.* An emergency ordinance may be adopted in accordance with the procedure set forth in Section 166.041, F.S., as may be amended from time to time.

(3) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(Adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

PROPOSED RESOLUTION NO. 2020-R-14

RESOLUTION NO. 3693

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON THE 18TH DAY OF AUGUST, 2020, TO FILL THE EXISTING VACANCY IN THE DISTRICT 4 COMMISSION SEAT; PROVIDING FOR TIMES OF SAID ELECTION; PROVIDING FOR A QUALIFYING PERIOD; PROVIDING FOR POLLING PLACES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a vacancy has occurred in the District 4 City Commission seat;
and

WHEREAS, since there are more than one hundred eight (180) days before the next general municipal election, Section 3.11 of the City Charter requires the City Commission conduct a special election to fill the vacancy; and

WHEREAS, the City Clerk has notified the Broward County Supervisor of Elections ("SOE"), in accordance with Section 100.151, F.S., and confirmed that the SOE can conduct a special election in the City to fill the District 4 vacancy on August 18th 2020; and

WHEREAS, the qualified candidate elected to fill the District 4 vacancy at the special election will complete the remaining balance of the term of the vacating commissioner; and

WHEREAS, the City Commission of the City of Pembroke Pines deems it to be in the best interests of the citizens and residents of the City to conduct a special

PROPOSED RESOLUTION NO. 2020-R-14

RESOLUTION NO. 3693

election on August 18th 2020 to fill the vacancy in District 4.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
THE CITY OF PEMBROKE PINES, FLORIDA:**

Section 1: The foregoing "WHEREAS" clauses are true and correct and expressly made a part hereof.

Section 2: That the City Commission of the City of Pembroke Pines, Florida hereby calls and provides for a Special Election to be held on the 18th day of August 2020, to fill the vacancy that exists in the District 4 City Commission seat.

Section 3: That the polling places located within District 4 shall be open to voters from 7:00 am until 7:00 pm on the date of the election.

Section 4: That qualifying for candidates shall begin at noon on **Monday, June 8, 2020** and end at noon on **Friday, June 12, 2020**.

Section 5. Conflicts. All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 6. Severability. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 7. Effective Date. This Resolution shall become effective upon its passage and adoption by the City Commission.


PROPOSED RESOLUTION NO. 2020-R-14

RESOLUTION NO. 3693

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, THIS 15 DAY OF APRIL, 2020.

ATTEST:


MARLENE GRAHAM, CITY CLERK

CITY OF PEMBROKE PINES, FLORIDA


MAYOR FRANK C. ORTIS

ORTIS AYE

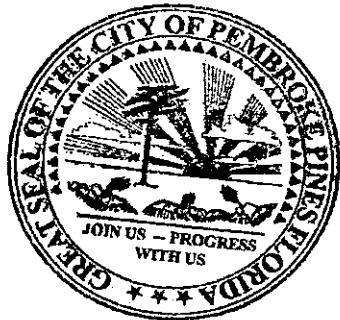
GOOD AYE

SCHWARTZ AYE

SIPLE AYE

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY





City of Pembroke Pines, FL

601 City Center Way
Pembroke Pines, FL
33025
www.ppines.com

Agenda Request Form

Agenda Number: 28.

File ID: 2020-R-14	Type: Resolution	Status: Passed
Version: 1	Agenda Section:	In Control: City Commission
Short Title:		File Created: 04/07/2020
		Final Action: 04/15/2020

Title: MOTION TO ADOPT PROPOSED RESOLUTION 2020-R-14.

PROPOSED 2020-R- 14 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON THE 18TH DAY OF AUGUST, 2020, TO FILL THE EXISTING VACANCY IN THE DISTRICT 4 COMMISSION SEAT; PROVIDING FOR TIMES OF SAID ELECTION; PROVIDING FOR A QUALIFYING PERIOD; PROVIDING FOR POLLING PLACES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

***Agenda Date:** 04/15/2020

Enactment Date: 04/15/2020

Agenda Number: 28.

Enactment Number: 3693

Internal Notes:

Attachments: 1. 2020-R-14 (Special Election - August 2020) (00367403xC4B6A)

Indexes:

1	City Commission	04/15/2020	adopt	Pass
Action Text: A motion was made by Vice Mayor Siple, seconded by Commissioner Good, Jr., to adopt Proposed 2020-R-14, calling and providing for a special election on August 28, 2020 to fill the vacancy on the District 4 Commission Seat. The motion carried by the following vote:				
Aye: - 4 Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, and Commissioner Good Jr.				
Nay: - 0				

SUMMARY EXPLANATION AND BACKGROUND:

1. A vacancy has occurred in the District 4 City Commission seat as of March 30, 2020. Since there are more than one hundred eight (180) days before the next general municipal election, Section 3.11 of the City Charter requires the City Commission conduct a special election to fill the vacancy.

2. The City Clerk has notified the Broward County Supervisor of Elections ("SOE"), in accordance with Section 100.151, F.S., and confirmed that the SOE can conduct a special election in the City to fill the District 4 vacancy on August 18, 2020. The qualified candidate elected to fill the District 4 vacancy at the special election will complete the remaining balance of the term of the vacating commissioner.
3. The City Commission of the City of Pembroke Pines deems it to be in the best interests of the citizens and residents of the City to conduct a special election on August 18, 2020 to fill the vacancy in District 4.
4. The City Commission of the City of Pembroke Pines, Florida hereby calls and provides for a Special Election to be held on the 18th day of August 2020, to fill the vacancy that exists in the District 4 City Commission seat.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** Broward County Supervisor of Elections Office has provided an estimated cost of up to \$8,500.
- b) **Amount budgeted for this item in Account No:** \$2,500 budgeted in 1-519-1001-31500 "Professional services- other.
- c) **Source of funding for difference, if not fully budgeted:** \$6,000 from "1-519-800-30010 Contingency
- d) **5 year projection of the operational cost of the project:** Not Applicable
- e) **Detail of additional staff requirements:** Not Applicable

Samuel S. Goren

From: Reynolds Perez, Devona <DReynoldsPerez@broward.org>
Sent: Tuesday, December 5, 2023 1:00 PM
To: Samuel S. Goren
Cc: Klitsberg, Nathaniel; Meyers, Andrew; Joe Scott
Subject: Pembroke Pines Special Election
Attachments: Vacancy filling vacancy for future resignation.pdf; Kyle S Bauman Anchors Smith Grimsley Kimberly R Kopp.doc; DE Guide 0016 - Resign-to-Run Law20220602 (1).pdf

Hi Sam,

As discussed, the Supervisor of Elections has advised that he is not in a position to make ballot access available to the City of Pembroke Pines for a special election to coincide with the August 2024 Primary Election. The Special Act regarding Broward County's municipal elections (Chapter 75-350, Laws of Florida, as subsequently amended by Chapters 04-443 and 05-318, Laws of Florida) ("Broward Elections Act") contemplates "uniform filing and election dates for all municipal elections in Broward County." These elections are held in either March or November of a calendar year. Further, the Broward Elections Act does not require the Supervisor to run those elections for the municipalities. Rather, if the Supervisor offers to hold municipal elections in a given calendar year, he must provide a schedule of fees and charges for those services. For 2024, the Supervisor is making available the services of his office to hold all municipal elections to coincide with either the March Presidential Preference Primary Election (which also has a number of cities, including Pembroke Pines, holding their regular general municipal elections) or during the November General Election.

From a legal standpoint, there is nothing in the Florida Elections Code that would prevent the City of Pembroke Pines from holding a special election for a commission seat on the same day as it is holding its mayoral and any other municipal elections in March (coinciding with the Presidential Preference Primary). While an irrevocable letter of resignation under Florida's "resign to run" law may have an "effective date" of the earlier of the date a replacement for that seat will take office or the date that the individual resigning would take their new office if they win their election, the date that a "vacancy occurs" under Florida law is the date that the letter of resignation is received by the appropriate authority (for municipal elections, the City Clerk). *See, e.g., In re Advisory Opinion to the Governor*, 600 So. 2d 460, 462 (Fla. 1992). The Florida Attorney General's Office has also opined that (in the context of resignations sent to the Governor), "the Supreme Court of Florida has determined that when a letter of resignation to be effective at a later date is received and accepted by the Governor, a vacancy in that office occurs and actuates the process to fill it." (underlining added). A copy of that informal opinion from the Attorney General is attached to this email. Any commissioner that is contemplating resigning their current position to run for the office of Mayor of Pembroke Pines must submit that irrevocable resignation letter to the City Clerk, with a copy of the Governor and the Department of State no later than 10 days before the start of qualifying (see attached the Florida Division of Elections reference guide 0016 on the "Resign-to-run" Law). Consistent with the Florida Supreme Court advisory opinion cited above and the Florida Attorney General's informal opinion, we have advised the Supervisor of our Office's opinion that a vacancy in office occurs on that date, and it is up to the City of Pembroke Pines to determine whether to place the special election to fill the remaining term of that commissioner's seat for an election that the Supervisor is providing ballot access or to hold its own municipal election without the involvement of the Supervisor on another date.

If the City of Pembroke Pines does not wish to set the special election to fill any resigning commissioner's seat during the March election where other municipal elections are being held and wants the Supervisor to hold the election for your client, our Office believes that Florida law authorizes the City to conduct its special election in November 2024 at the time of the General Election. While the City's charter provides for a special election to occur within 180 days after a vacancy is created, both Sections 100.3605, Florida Statutes (relating to municipal elections generally), and Section 101.75(3), Florida Statutes (regarding changing municipal election dates) authorizes the City of Pembroke Pines to do so by ordinance. In particular, Section 101.75(3) states, in relevant part: "Notwithstanding any provision of local law or

municipal charter, the governing body of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election. The dates for qualifying for the election moved by the passage of such ordinance shall be specifically provided for in the ordinance.” A copy of Attorney General Opinion 2019-11, addressing the issue of movement of a municipal election to a different date than as provided by its charter, is attached to this email.

To conclude, the Supervisor remains ready, willing, and able to conduct the City of Pembroke Pines’ special municipal elections on either the date of the March Presidential Preference Primary/Municipal Elections or the November General Election.

Should you wish to discuss any further, please contact me at your convenience.

Thanks,
Devona

Devona A. Reynolds Perez
Counsel for Broward County’s
Supervisor of Elections
Broward County Attorney’s Office
115 S. Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301
O: (954) 357-7396
dreynoldsperez@broward.org



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Angelo Castillo
455 SW 200 Terrace
Pembroke Pines, FL 33029-1247

CITY CLERK'S OFFICE
CITY OF PEMBROKE PINES
2023 DEC 21 AM 11:07

December 19, 2023

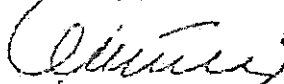
Marlene Graham, City Clerk
City of Pembroke Pines
601 City Center Way,
Pembroke Pines, FL 33025

Dear Ms. Graham:

In accordance with Section 99.012(3)(a), F.S., please accept this correspondence as an irrevocable letter of resignation from my position as City Commissioner for District 4. I am resigning from my position on the City Commission to run for Mayor of Pembroke Pines in March 2024. Pursuant to section 99.012(3)(d), F.S., this resignation shall be effective on the date that I would take office as Mayor, if elected, which is the earlier of the two options set forth in the statute. I thank our city attorney for his legal advice and for assisting me to craft this letter, thus helping ensure it complies with the law.

Please provide a copy of this letter to the Governor of the State of Florida and the Department of State. Thank you for your attention to this important matter. Please do not hesitate to contact me if there is any additional information that I can provide.

Sincerely Yours,



ANGELO CASTILLO

Exhibit "E"

PROPOSED ORDINANCE NO. 2024-01

ORDINANCE NO. 2017

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, TO FILL THE VACANCY IN THE DISTRICT 4 COMMISSION SEAT; PROVIDING FOR TIMES AND POLLING PLACES; PROVIDING FOR A QUALIFYING PERIOD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commissioner in District 4 has submitted a letter of resignation pursuant to Section 99.012, Florida Statutes; and

WHEREAS, Section 3.11(d)(1) of the City Charter provides that in the event of a vacancy in the office of City Commissioner,

[i]f there are more than one hundred eighty days before the next municipal election, then the City Commission shall conduct a special election to fill the vacancy. The special election shall take place as soon as practicable, but no more than one hundred eighty (180) days from the date that the vacancy occurred”;

and,

WHEREAS, there is a statewide primary election on August 20, 2024, which would fall within 180 days of the vacancy; and,

WHEREAS, notwithstanding the prior collaborative efforts of his predecessors to work with municipalities on special election dates, and specifically in 2020 where his predecessor permitted ballot access to the City to conduct a municipal special election during the statewide primary election that year, and despite having to conduct a statewide primary election within the City and not needing any additional personnel resources or precincts, and despite the City

PROPOSED ORDINANCE NO. 2024-01

ORDINANCE NO. 2017

acknowledging its responsibility to pay any incremental costs resulting from its ballot access, and despite knowledge of the City's charter requirement for a special election within 180 days and his ability to accommodate this requirement by permitting the City ballot access for a special election for District 4 at the August 20, 2024, statewide primary election, the current Broward County Supervisor of Elections refuses to permit ballot access for a City special election for District 4 at the August 20, 2024 statewide primary election; and,

WHEREAS, given the lack of concern by the current Supervisor of Elections for the needs of the City to conduct a special election and his ability to cooperate and work with the City, as all of his predecessors have, to schedule the special election for District 4 in conformance of City charter requirements – charter requirements adopted by the electorate of the City – without any real expense or inconvenience given there is already a statewide primary election on August 20, 2024, the City Commission is compelled to schedule the special election for District 4 at the November 5, 2024, general election; and,

WHEREAS, Section 101.75(3), F.S., provides:

Notwithstanding any provision of local law or municipal charter, the governing body of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election. The dates for qualifying for the election moved by the passage of such ordinance shall be specifically provided for in the ordinance. The term of office for any elected municipal official shall commence as provided by the relevant municipal charter or ordinance.

PROPOSED ORDINANCE NO. 2024-01

ORDINANCE NO. 2017

WHEREAS, November 5, 2024, is beyond 180 days from the vacancy, and as a result of the refusal of the Broward County Supervisor of Elections to cooperate with the City in recognition of the City's charter provisions and permit the special election for District 4 during the statewide primary election, which would have complied with the City Charter, the City is adopting this ordinance pursuant to Section 101.75(3), F.S. to conduct the special election for District 4 on November 5, 2024; and,

WHEREAS, in accordance with Section 100.151, F.S., the City has notified the Broward County Supervisor of Elections and has confirmed that the Broward County Supervisor of Elections can conduct a special election in the City to fill the District 4 vacancy on November 5, 2024; and

WHEREAS, the qualified candidate elected to fill the District 4 vacancy at the special election will complete the remaining balance of the term for District 4; and

WHEREAS, given that the City is unable to conduct its special election for District 4 on August 20, 2024, concurrent with the statewide primary election, the City Commission of the City of Pembroke Pines deems it to be in the best interests of the citizens and residents of the City to conduct a special election on November 5, 2024, to fill the vacancy in District 4, and to schedule the qualifying period for such special election.

PROPOSED ORDINANCE NO. 2024-01

ORDINANCE NO. 2017

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF PEMBROKE PINES, FLORIDA:**

Section 1: The foregoing "WHEREAS" clauses are true and correct and expressly made a part hereof.

Section 2: That the City Commission of the City of Pembroke Pines, Florida hereby calls and provides for a Special Election to be held on November 5, 2024, to fill the vacancy in the District 4 City Commission seat.

Section 3: That the polling places located within District 4 shall be open to voters from 7:00 am until 7:00 pm on the date of the election.

Section 4: That qualifying for candidates shall begin at noon on Friday, March 1, 2024 and end at noon on Friday, March 15, 2024.

Section 5. Conflicts. All Ordinances inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 6. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective upon its passage and adoption by the City Commission.

PROPOSED ORDINANCE NO. 2024-01

ORDINANCE NO. 2017

[INTENTIONALLY LEFT BLANK]

PROPOSED ORDINANCE NO. 2024-01

ORDINANCE NO. 2017

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 17TH DAY OF JANUARY, 2024.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 7TH DAY OF FEBRUARY, 2024.

CITY OF PEMBROKE PINES, FLORIDA

By: 
MAYOR FRANK C. ORTIS

ATTEST:

 2/8/2024
MARLENE D. GRAHAM, CITY CLERK

APPROVED AS TO FORM:

 2/8/24
OFFICE OF THE CITY ATTORNEY

ORTIS AYE

CASTILLO ABSTAIN

GOOD NAY

SCHWARTZ AYE

SIPLE AYE



City of Pembroke Pines, FL

601 City Center Way
Pembroke Pines, FL
33025
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Agenda Request Form

Agenda Number: 17.

File ID: 2024-01	Type: Ordinance	Status: Passed
Version: 2	Agenda Section:	In Control: City Commission
Short Title: Proposed Ordinance 2024-01 November 2024 Special Election		File Created: 01/03/2024
		Final Action: 02/07/2024

Title: MOTION TO PASS PROPOSED ORDINANCE 2024-01 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE 2024-01 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, TO FILL THE VACANCY IN THE DISTRICT 4 COMMISSION SEAT; PROVIDING FOR TIMES AND POLLING PLACES; PROVIDING FOR A QUALIFYING PERIOD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

***Agenda Date:** 02/07/2024

Enactment Date: 02/07/2024

Agenda Number: 17.

Enactment Number: 2017

Internal Notes:

Attachments: 1. Proposed Ordinance 2024-01 November 2024 Special Election, 2. 2024-01 Special Election-BIS.pdf

Indexes:

Related Files:

1	City Commission	01/17/2024	pass on First Reading	Pass
Action Text: Commissioner Good made a motion to amend the ordinance, to strike the language on the qualifying period for a separate discussion and vote. The motion died for a lack of a second.				
A motion was made by Mayor Ortis, seconded by Commissioner Schwartz, to pass Proposed Ordinance 2024-01 on First Reading. The motion carried by the following vote:				
Aye: - 3 Mayor Ortis, Vice Mayor Siple, and Commissioner Schwartz				
Abstain: - 1 Commissioner Castillo				
Nay: - 1 Commissioner Good Jr.				
1	City Commission	02/07/2024	adopt	Pass

Action Text: A motion was made by Commissioner Schwartz, seconded by Vice Mayor Siple, to pass Proposed Ordinance 2024-01 on Second Reading. The motion carried by the following vote:
Aye: - 3 Mayor Ortis, Vice Mayor Siple, and Commissioner Schwartz
Abstain: - 1 Commissioner Castillo
Nay: - 1 Commissioner Good Jr.

SUMMARY EXPLANATION AND BACKGROUND:

1. On Thursday, December 28, 2023, at a special meeting convened by the Pembroke Pines City Commission, a motion was made to direct the City Attorney to draft an ordinance to be brought to the January 17, 2024 Commission meeting to schedule a special election for the District 4 City Commission seat to be conducted on November 5, 2024, with the statewide general election.
2. On January 17th, 2024, Proposed Ordinance 2024-01 passed on First Reading.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None
- b) **Amount budgeted for this item in Account No:** Not Applicable
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.

FEASIBILITY REVIEW:

A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.

- a) **Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service?** Not Applicable.
- b) **If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service?** Not Applicable.

BUSINESS IMPACT ESTIMATE:

Pursuant to Section 166.041, F.S., a Business Impact Estimate (BIE) must be prepared for certain ordinances that impact the operations of local businesses.

- a) **Is a Business Impact Estimate (BIE) Form attached to this Ordinance?** Yes.
- b) **Is this Ordinance exempt from requiring an Business Impact Estimate (BIE)?** No.

Election Results Information

- 2024 March PPP & Municipal Elections (<https://enr.electionsfl.org/BRO/3578/Summary/>)
- 2023 Municipal Elections (<http://enr.electionsfl.org/BRO/3371/Summary/>)
- 2022 General Elections (<http://enr.electionsfl.org/BRO/3281/Summary/>)
- 2022 Primary Elections (<http://enr.electionsfl.org/BRO/3200/Summary/>)
- 2022 Special General for Florida Senate, District 33 and Municipal Elections (<https://enr.electionsfl.org/BRO/3144/Summary/>)
- 2022 Special General Election for U.S. House, District 20 & Special Primary Elections for Florida House, District 94 and Senate, District 33 (<http://enr.electionsfl.org/BRO/3123/Summary/>)
- 2021 US District 20 Special Primary Election (<http://enr.electionsfl.org/BRO/3098/Summary/>)
- 2021 Municipal Election (<https://enr.electionsfl.org/BRO/2852/Summary/>)
- 2020 General Election Machine and Manual Recounts (</Portals/Broward/Documents/Voting2020/manual-recount-2020.pdf>)
- November 3, 2020 General Election (<https://enr.electionsfl.org/BRO/2807/Summary/>)
- August 18, 2020 Primary Election (<https://enr.electionsfl.org/BRO/2703/Summary/>)
- March 17, 2020 President Preference Primary and Municipal Election (<https://enr.electionsfl.org/BRO/2599/Summary/>)
- June 18, 2019 Special Coral Springs Election (<https://enr.electionsfl.org/BRO/Summary/2156/>)
- March 12, 2019 Municipal Election (<https://enr.electionsfl.org/BRO/Summary/2089/>)
- November 6, 2018 General Election (<https://enr.electionsfl.org/BRO/Summary/1985/>)
- August 28, 2018 Primary Election (<https://enr.electionsfl.org/BRO/Summary/1897/>)
- March 13, 2018 Municipal General Election (<http://enr.electionsfl.org/BRO/1815/Summary/>)
- January 16, 2018 Fort Lauderdale Primary Election (<http://enr.electionsfl.org/BRO/1803/Summary/>)
- March 14, 2017 Municipal Election (<http://enr.electionsfl.org/BRO/Summary/1693/>)
- November 8, 2016 General Election (<http://enr.electionsfl.org/BRO/1642/Summary/>)

- August 30, 2016 Primary Election (<http://enr.electionsfl.org/BRO/1546/Summary/>)
- March 15, 2016 Presidential Preference Primary Election (<http://enr.electionsfl.org/BRO/Summary/1443/>)
- March 10, 2015 Municipal General Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_149.html)
- February 10, 2015 Municipal Primary Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_148.html)
- December 4 2014 County Commission 2 Primary Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_147.html)
- November 4 2014 General Election (<http://enr.electionsfl.org/BRO/1396/Summary/>)
- August 26, 2014 Primary Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_142.html)
- March 11, 2014 Municipal Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_141.html)
- April 23, 2013 Davie Special Ballot Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_140_language_english.html)
- March 12, 2013 Municipal Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_139.html)
- January 15, 2013 Fort Lauderdale District 2 Special Primary Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_138.html)
- Official Recount Results for the City of Dania Beach (/Portals/Broward/documents/electionarchives/OFFICIAL RECOUNT RESULTS 121106 - Copy (3).pdf)
- Official Recount Results for the City of Hallandale Beach (/Portals/Broward/documents/electionarchives/OFFICIAL RECOUNT RESULTS 121106 -Hallandale.pdf)
- November 6 2012 General Election (<http://enr.electionsfl.org/BRO/1376/Summary/>)
- August 14, 2012 Primary Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_133.html)
- March 13, 2012 Municipal Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_134.html)
- January 31, 2012 Presidential Preference Primary Election (/Portals/Broward/documents/electionarchives/ersummary.aspx_eid_131.html)
- Past Election Results (/Portals/Broward/documents/electionarchives/elections.aspx_type_past.html)

Contact Us

Past Elections

Election	Election Date	Voter Registration Deadline
<u>March 10, 2015 Municipal Elections</u>	03/10/2015	02/09/2015
<u>February 10th, 2015 Municipal Primary Election</u>	02/10/2015	01/12/2015
<u>County Commission, District 2 Primary Election</u>	12/04/2014	11/05/2014
<u>General Election</u>	11/04/2014	10/06/2014
<u>Primary Election</u>	08/26/2014	07/28/2014
<u>Municipal General Elections</u>	03/14/2014	02/13/2014
<u>Municipal General Election</u>	03/12/2013	02/11/2013
<u>Special Primary Election</u>	01/15/2013	12/17/2012
<u>2012 General Election</u>	11/06/2012	10/09/2012
<u>2012 Primary Election</u>	08/14/2012	07/16/2012
<u>2012 Municipal Election</u>	03/13/2012	02/13/2012
<u>Presidential Preference Primary and Municipal Elections</u>	01/31/2012	01/03/2012
<u>West Park Special Election</u>	11/08/2011	10/10/2011
<u>Hollywood Special Election</u>	09/13/2011	08/15/2011
<u>Deerfield Beach, District 2 Special Election</u>	07/19/2011	06/20/2011
<u>Municipal General Elections</u>	03/08/2011	02/07/2011
<u>Special House 103 Primary Election</u>	02/08/2011	01/10/2011
<u>Special Municipal Elections</u>	01/11/2011	12/13/2010
<u>2010 General/Municipal Elections</u>	11/02/2010	10/04/2010
<u>2010 Primary Election</u>	08/24/2010	07/26/2010
<u>US House 19th Congressional Special General Election</u>	04/13/2010	03/15/2010
<u>2010 Dania Beach Special Election</u>	04/13/2010	03/15/2010
<u>2010 Municipal General Elections</u>	03/09/2010	02/08/2010
<u>US House Special Primary Election</u>	02/02/2010	01/05/2010
<u>2009 Municipal Special Mayoral Election</u>	12/18/2009	11/19/2009
<u>2009 Municipal Special Election</u>	11/03/2009	10/05/2009
<u>2009 Municipal General Elections</u>	03/10/2009	02/09/2009
<u>2009 Municipal Primary and Special Elections</u>	02/10/2009	01/12/2009
<u>2008 General Election/Municipal Elections</u>	11/04/2008	10/06/2008
<u>2008 Primary Election</u>	08/26/2008	07/28/2008
<u>Coconut Creek Special Election</u>	05/06/2008	04/07/2008
<u>Municipal Special Election</u>	03/11/2008	02/11/2008
<u>House District 103 Special Election</u>	02/12/2008	01/14/2008
<u>2008 Presidential Preference Primary Election/Municipal Elections</u>	01/29/2008	12/31/2007
<u>Special General Election</u>	11/20/2007	10/22/2007

Election	Election Date	Voter Registration Deadline
<u>Special Primary Election</u>	10/30/2007	10/01/2007
<u>Municipal General Elections</u>	03/13/2007	02/12/2007
<u>Municipal Primary and Special Elections</u>	02/13/2007	01/16/2007
<u>2006 General Election</u>	11/07/2006	10/09/2006
<u>2006 Primary Election</u>	09/05/2006	08/07/2006
<u>Special Annexation Referendum Mail Ballot Election</u>	07/05/2006	06/06/2006
<u>Municipal General Election</u>	03/14/2006	02/13/2006
<u>Ft. Lauderdale Primary</u>	02/14/2006	01/17/2006
<u>Davie Special Municipal Election</u>	09/29/2005	
<u>Special Municipal Election</u>	08/30/2005	
<u>Municipal / Special Election</u>	03/08/2005	
<u>Primary Municipal Ballot</u>	02/08/2005	
<u>General Election</u>	11/02/2004	
<u>2004 Primary Election</u>	08/31/2004	08/02/2004
<u>Municipal General Election</u>	03/09/2004	
<u>Municipal Primary Election</u>	02/10/2004	
<u>Primary Election</u>	01/06/2004	
<u>Special Municipal Election</u>	11/04/2003	
<u>Special Municipal Election</u>	06/10/2003	
<u>Municipal General Election</u>	03/11/2003	
<u>Municipal Primary Election</u>	02/11/2003	
<u>General Election</u>	11/05/2002	
<u>Primary Election</u>	09/10/2002	
<u>Town of Southwest Ranches Special Election</u>	07/30/2002	
<u>Municipal General Election</u>	03/12/2002	
<u>Special Annexation Election</u>	11/06/2001	
<u>City of Hallandale Beach Special Election</u>	10/09/2001	
<u>Municipal General Election</u>	03/13/2001	
<u>City of Dania Beach Regular Primary Municipal Election</u>	02/13/2001	
<u>City of Fort Lauderdale Special Primary Election</u>	12/05/2000	
<u>General Election</u>	11/07/2000	
<u>Second Democratic Primary and Universal Contests</u>	10/03/2000	
<u>Primary Election</u>	09/05/2000	
<u>Town of Southwest Ranches Special Election</u>	07/25/2000	
<u>Special Referendum Election</u>	06/06/2000	
<u>Presidential Preference Primary</u>	03/14/2000	
<u>Municipal Primary</u>	02/08/2000	
<u>City of Deerfield Beach Special Referendum Election</u>	11/02/1999	
<u>Special Annexation Referendum Election</u>	09/07/1999	
<u>City of North Lauderdale Special Election</u>	05/04/1999	

Election	Election Date	Voter Registration Deadline
<u>Bond Referendum Election</u>	03/09/1999	
<u>City of Dania Beach Primary Election</u>	02/09/1999	
<u>General Election</u>	11/03/1998	
<u>Primary Election</u>	10/01/1998	
<u>Primary Election</u>	09/01/1998	
<u>City Of Hollywood Special Municipal Election</u>	06/09/1998	
<u>City of Coconut Creek Special Election</u>	04/21/1998	
<u>Special General Election</u>	03/17/1998	
<u>Municipal General Election</u>	03/10/1998	
<u>Special First Primary Election</u>	02/17/1998	
<u>Special Election</u>	11/04/1997	
<u>City of Weston General Election</u>	06/03/1997	
<u>Referendum Election</u>	04/01/1997	
<u>Municipal General Election</u>	03/11/1997	
<u>Municipal Primary</u>	02/11/1997	
<u>General Election</u>	11/05/1996	
<u>Second Primary</u>	10/01/1996	
<u>Primary Ballot</u>	09/03/1996	
<u>Presidential Preference Primary & Municipal Elections</u>	03/12/1996	
<u>City of Parkland Special Election</u>	01/30/1996	
<u>Indian Trace Community Development District General Election</u>	11/07/1995	
<u>Referendum Election</u>	09/19/1995	
<u>Municipal Election</u>	03/14/1995	
<u>City of Dania Primary Election</u>	02/14/1995	
<u>General Election</u>	11/08/1994	
<u>Second Primary Election</u>	10/04/1994	
<u>First Primary Election</u>	09/08/1994	
<u>Sunrise Lakes Phase 4 Recreation District Special Election</u>	08/23/1994	
<u>City of Parkland - Lands Zoned AE-1 Special Referendum Election</u>	07/12/1994	
<u>Sunrise Lakes Phase 4 Recreation District</u>	06/28/1994	
<u>Hillsboro Inlet Improvement and Maintenance District</u>	06/14/1994	
<u>Cooper City Special Referendum Election</u>	05/10/1994	
<u>Municipal General Election</u>	03/08/1994	
<u>Fort Lauderdale Primary Election</u>	02/08/1994	