

ORDINANCE 16-__

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN CODE OF ORDINANCES ENTITLED "ELECTIONS" AND CREATING SECTION 10-2 ENTITLED "CAMPAIGN FINANCE REPORTS;" PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State legislature has enacted legislation, Florida Statute 106.0705, that requires all candidates for state offices to file their campaign treasurer reports electronically with the Department of State; and

WHEREAS, the Miami-Dade County Board of County Commissioners has enacted County Ordinance No. 00-72, that requires all candidates for county office to file their campaign treasurer reports electronically with the Supervisor of Elections in Miami-Dade County; and

WHEREAS, in accordance with the Town's adopted 2014-19 Strategic Master Plan Goals to focus on process improvement may be achieved through the implementation of technology to improve government efficiency and transparency; and

WHEREAS, the Town Council believes that such a system is consistent with applicable State of Florida and Miami-Dade County laws; and

WHEREAS, the Town Council finds that that this Ordinance is in the best interest and welfare of the residents of the Town.

NOW THEREFORE, IT IS HEREBY ORDAINED BY MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Chapter 10 of the Town Code Amended.** The Town Council hereby amends Chapter 10 of the Town Code of Ordinances as follows:

CHAPTER 10 ELECTIONS

Sec. 10-2 Campaign Finance Reports

(a) Electronic Reporting.

Candidates for the Office of Mayor, Vice Mayor or Town Council shall file their Campaign Treasurer's Reports electronically with the Office of the Town Clerk. The Town Clerk shall determine the required format for the Campaign Treasurer's Reports and shall provide copies upon request. For purposes of this section, "Campaign Treasurer's Reports" shall mean the reports required of the campaign treasurers of candidates pursuant to Section 106.07, Florida Statutes, as amended.

(b) Electronic Posting.

Campaign Treasurer's Reports submitted by candidates for the Office of Mayor, Vice Mayor or Town Council shall be posted on the Town's website by the Town Clerk within one (1) business day from the report due date. The Town reserves the right, prior to posting, to review all filings and redact any material that would violate any copyright, trademark, patent or other proprietary rights of others, or any language, pictures or symbols that would be considered pornography, obscenity, nudity, libelous or in any way violates any federal, state or local law.

(c) Penalties.

In addition to any other penalties which may be applicable, any individual who violates this section shall be subject to a fine up to fifty dollars (\$50.00) per day for the first three (3) days late and, thereafter, five hundred dollars (\$500.00) per day for each day late, not to exceed twenty-five (25) percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. If it is determined by a court which has jurisdiction over an alleged violation of the ordinance from which this section derives that unusual circumstances caused the Campaign Treasurer's Report to be filed late, no fine shall be imposed by the court. As used herein, "unusual circumstances" shall mean uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act according to the filing requirements. Unusual circumstances must occur within a time period that would clearly prevent the person legally responsible for filing the report from doing so in a timely manner.

(d) Informational Materials.

The Town Clerk shall provide informational materials to candidates regarding the Town's electronic filing requirements herein.

Section 3. Enforcement. Beginning with the first Town election after November 29, 2016, Campaign Treasurer Reports shall be filed electronically with the Town Clerk in accordance with Florida State Statutes and Miami-Dade County Codes.

Section 4. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Conflict. All sections or parts of sections of the code of ordinances, all ordinances or parts of ordinances, and all resolutions, or parts of resolutions, in conflict with this ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2016.

PASSED AND ADOPTED on second reading this _____ day of _____, 2016.

Attest:

PEGGY R. BELL
Mayor

JACQUELINE N. WILSON
Town Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE OF THE
TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

First Reading:

Moved By: _____

Seconded By: _____

Second Reading:

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____

Vice Mayor Ernest N. Sochin _____

Council Member Roger Coriat _____

Council Member Sue Ellen Loyzelle _____

Council Member Mary Ann Mixon _____