

**ORDINANCE No. 2021-07**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 14 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, through Ordinance 2007-29, the City Council of the City of Doral amended Section 14-19 entitled "Qualifying Period" in order to ensure that the Supervisor of Elections has enough time in which to meet their deadlines; and

**WHEREAS**, through Ordinance 2006-19, the City Council of the City of Doral amended Section 14-75 entitled "Pre-Election Sign Requirements" to ensure that a sign bond is required from each election campaign; and

**WHEREAS**, through Ordinance 2011-39, the City Council of the City of Doral added Article V entitled "Campaign Finance Reports" to improve government efficiency, make government user-friendly, and whenever possible, reduce the demands on our resources; and

**WHEREAS**, election laws and providing for fair elections has recently become a contested and debated topic on both the national and statewide level; and

**WHEREAS**, it is in the City's interest to amend its ordinance to allow for greater transparency and accountability which are important aspects of election integrity; and

**WHEREAS**, durational residency requirements for candidates ensures more informed and knowledgeable political candidates, guaranteeing the exposure of prospective candidates to voters, and assuring that a candidate running for office is a member of the political community he/she hopes to represent; and

CODING

Words in underscoring type are additions  
Words in ~~strikethrough~~ type are deletions

**WHEREAS**, promoting political stability and protecting the integrity of the ballot justifies the implementation of additional reporting requirements, greater accountability and scrutiny of qualifying documents; and

**WHEREAS**, to further protect the integrity of the ballot, additional sections have been incorporated to provide the Mayor, Council and the City Clerk with the ability to take action when the candidate for the Office of Mayor or Council does not meet the qualifications required under the Charter and the City's Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:**

**Section 1.** **Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

**Section 2.** **Code Amended.** Chapter 14 of the City of Doral Code of Ordinances is hereby amended as follows:

## **ARTICLE II. CANDIDATES**

### **Section 14-18:** **Candidates for the offices of mayor and city council shall:**

- (1) Be registered and qualified electors of the City and at least 21 years of age at the time of their qualifying as a candidate with the City Clerk;
- (2) Have legally resided within the city at least two (2) years prior to qualifying for the office. Positive and presumptive proof of legal residence must be presented at the time the candidate qualifies. The documents presented to the City Clerk may include a combination of the following; (i) lease agreement(s) covering the

CODING

Words in underscored type are additions  
Words in ~~strikethrough~~ type are deletions

- durational residency requirements; (ii) proof of home ownership within the city for at least two (2) years prior to qualifying for the office; (iii) voter's registration; (iv) driver's license (v) utility bills in the candidate's name for a period covering the durational residency requirements; (vi) copies of the candidates filed income tax returns using a city of Doral address;
- (3) Be required to maintain an actual and legal residence for the duration of his/her term of office in the city;
- (4) Not be under conviction of a felony or other disqualification.
- (5) Provide a biography or resume at the time of their qualifying as a candidate with the City Clerk.

#### **Section 14-19. Qualifying Period.**

- (a) Candidates for the offices of mayor or city council shall qualify with the city clerk no earlier than 12:00 noon on the second ~~Tuesday~~ Monday of July and no later than ~~12:00 noon on the fourth Tuesday of July~~ and no later than 12:00 noon on the following Friday in July in every year a municipal general election is held and in the method provided for in the City Charter and under the rules of elections prescribed in state statutes.

#### **Section 14-21. Nominating Petition.**

Persons wishing to become candidates for office shall secure from the City Clerk a nominating petition for candidacy. This petition must be signed by at least twenty-five (25) electors who have not already signed a nominating petition and are qualified to vote in the election. Said petition is to be filed with the City Clerk during the qualifying period which is described above.

#### **Section 14-22. Filing of Candidacy; fee**

CODING

Words in underscored type are additions  
Words in ~~strikethrough~~ type are deletions

- (a) The filing fee for candidates shall be \$100.00. This nonrefundable fee shall be collected at the time of filing for candidacy and shall be paid from personal funds.

**Section 14-23. Residency Requirements and Penalties**

- (a) Each candidate shall, at the time he/she qualifies subscribe to an oath under penalty of perjury to be filed which shall be substantially as follows:

"1. My name is \_\_\_\_\_

2. I am a citizen of the United States; I am a bona fide resident and qualified elector (voter) of the City of Doral, and have been a bona fide resident and qualified elector (voter) of the City of Doral for at least two (2) years prior to the beginning of the qualifying period for office.

3. I am a registered voter and a duly qualified elector of the City of Doral, Florida presently registered to vote in precinct no. \_\_\_\_\_.

4. I presently reside at the following address ( must include zip code ): \_\_\_\_\_, which is my legal address, and I have resided continually at said address from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_.

5. I have never been convicted of any crime in the State of Florida or any other state or jurisdiction.

I hereby make this statement under penalty of perjury.

- (b) In the event the council finds that any candidate for the office of mayor or council does not meet the qualifications of an elector as required under the Charter of the city or of this section, the council may adopt a resolution so finding and directing the city clerk to refrain from placing the name of the candidate for mayor or council, as the case may be, on the ensuing ballot for such office. In the event the name of the candidate has already been placed on the ballot, then the clerk shall be instructed to take the necessary action to either remove the name from

the ballot or lock the key for that particular candidate in order that the electorate shall not be permitted to vote on an unqualified candidate for the office of mayor or council.

Nothing herein contained shall prohibit the candidate who is found to be unqualified for the office of mayor or council from appealing the decision of the council to a court of appropriate jurisdiction.

(c) The city clerk shall not accept a qualification fee from any candidate who fails to submit to the clerk, either prior to or simultaneously with the submission of the qualification fee, the affidavit fully completed as required by this Section.

(d) If the city clerk finds:

(1) That the qualification papers of a candidate, on their face, are not in compliance with the applicable elections laws of the State of Florida and in compliance with the applicable municipal charter or laws or ordinances;

(2) That the qualification papers of any candidate, on their face, are incomplete or defective, and are incomplete or defective at the end of the qualifying period;

(3) That the qualification fee has not been paid in accordance with law;

(4) That a sworn written statement is or has been filed by a qualified elector residing within the municipality challenging the qualifications of a candidate for municipal office; or

(5) That after receiving written notification from the Miami-Dade County Supervisor of Elections that a candidate is not an elector of the City of Doral; the city clerk is hereby authorized and directed to file and prosecute an appropriate action in the circuit court for Miami-Dade County, in the name of the city clerk, solely for the purpose of receiving a judicial determination with regard to the qualifications of the candidate. In the event the circuit court rules for the city clerk, the city clerk is directed to take the necessary action to remove the name from the ballot or notify the voting public of the candidate's invalidity if such removal is impracticable.

**Section 14-75. Pre-Election Requirements.**

(b) A ~~cash~~ bond of \$500.00 shall be required from each election campaign. This bond shall be conditioned upon the removal of all political signs of that candidate or issue within seven calendar days of the election to which they relate. Failure to remove all the signs shall be cause for the city manager or his designee to direct that the signs be removed by the city and the bond forfeited. ~~The cash bond may be waived by the city clerk's office, in its discretion, when and if the candidate is able to show good cause that posting the cash bond would result in considerable financial hardship. Burden is on the candidate to demonstrate that requiring the posting of the bond would result in a considerable financial hardship.~~

(c) The ~~cash~~ bond shall be returned upon timely request from the election campaign and verification from the code compliance division that all election signs have been removed within the time limits of this article. Successful candidates in nominating or elections may continue to display their signs during interval between the nominating or

CODING

Words in underscoring type are additions  
Words in ~~strikethrough~~ type are deletions

primary and general elections without posting an additional bond.

## **ARTICLE V. CAMPAIGN FINANCE REPORTS**

### **Section 14-78. - Electronic reporting.**

Candidates for the office of mayor and city council shall file their campaign treasurer's reports electronically with the city clerk. The city clerk shall determine the required format for the campaign treasurer's reports and shall provide copies upon request. For purposes of this article, "campaign treasurer's reports" shall mean the reports required of the campaign treasurers of candidates pursuant to F.S. § 106.07.

### **Section 14-79. - Electronic posting.**

Campaign treasurer's reports submitted by candidates for the office of mayor and city council shall be posted on the city's website by the city clerk within three business days of date of the electronic filing by such candidate. The city 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.

### **Section 14-79. - Penalties.**

In addition to any other penalties which may be applicable, any individual who violates this article shall be subject to a fine up to \$50.00 per day for the first three days late and, thereafter, \$500.00 per day for each day late, not to exceed 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 this article

CODING

Words in underscoring type are additions  
Words in ~~strikethrough~~ type are deletions

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.

**~~Section 14-80. Technical Assistance.~~**

~~The City Clerk shall provide technical assistance to candidates regarding the electronic filing requirements herein. The City Council may, by resolution, establish a schedule of fees for such technical assistance.~~

**Section 2. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 3. Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word "ordinance" may be changes to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any



reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.**      **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

The foregoing Ordinance was offered by Vice Mayor Cabrera who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 17 day of March, 2021.

PASSED AND ADOPTED on SECOND READING this 14 day of April, 2021.

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, MMC  
CITY CLERK

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY

CODING

Words in underscoring type are additions  
Words in ~~strikethrough~~ type are deletions