

ORDINANCE #2011- 39

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 14 OF THE CITY CODE OF ORDINANCES BY CREATING ARTICLE V “CAMPAIGN FINANCE REPORTS” RELATING TO THE ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS WITH THE CITY CLERK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State legislature has enacted legislation 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 is currently considering an ordinance that would require all candidates for county office to file their campaign treasurer reports electronically with the Supervisor of Elections in Miami-Dade County; and

WHEREAS, since its incorporation, the City of Doral (the “City”) has been committed to the use and implementation of technology so as to improve government efficiency, make government user-friendly, and whenever possible, reduce the demands on our resources; and

WHEREAS, the City Council believes that the implementation of a mandatory electronic filing system for campaign treasurer reports would continue the commitment referenced above; and

WHEREAS, the City Council finds that such a system is consistent with applicable Florida laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, AS FOLLOWS: ¹

¹ / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

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

Section 2. Chapter 14 of the City of Doral Code of Ordinances is hereby amended by adding the following new Article V thereto:

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 Section 106.07, Florida Statutes.

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 (3) 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 ordinance 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 percent (25%) 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 ordinance 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 3. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Ordinance, those provisions are repealed in their entirety.

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. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.


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

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 14th day of December, 2011.

PASSED AND ADOPTED on SECOND READING this 11th day of January, 2012.



Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jimmy L. Morales, City Attorney