

ORDINANCE NO. 2005-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA EXEMPTING ITSELF FROM THE PROVISIONS OF SECTION 101.657 OF THE FLORIDA STATUTES, SPECIFICALLY RELATED TO EARLY VOTING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 100.3605(1), Florida Statutes, municipalities are authorized by Ordinance to exempt themselves from provisions of the State Election Code which do not expressly apply to municipalities; and

WHEREAS, Section 101.657 "Early Voting" of the Florida Statutes, enables early voting to be utilized but does not expressly apply to municipalities; and

WHEREAS, the City Council desires to exempt municipal elections commencing with the November 7, 2006 election from early voting as provided by Section 101.657, Florida Statutes, since the provision of early voting is not necessary.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

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

Section 2. City Code Amended; No Early Voting. That the City Code is hereby amended by creating Section 8-10 "No Early Voting," to read as follows:

Sec. 8-10 No Early Voting

Pursuant to Section 100.3605(1), Florida Statutes, it is hereby provided that commencing with the November 7, 2006 municipal elections for City Council, all Council elections are hereby fully exempted from the provisions of Section 101.657, Florida Statutes, concerning early voting. Accordingly, early voting shall not be provided.

Section 3. Severability. That 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 4. Inclusion in the Code. That it is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City Code; 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 5. Effective Date. That this Ordinance shall be effective upon adoption on second reading.

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

Mayor Juan Carlos Bermudez	yes
Vice Mayor Pedro Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

PASSED AND ADOPTED on first reading this 13th day of April, 2005.

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

Mayor Juan Carlos Bermudez	yes
Vice Mayor Pedro Cabrera	yes
Councilman Michael DiPietro	absent
Councilwoman Sandra Ruiz	absent
Councilman Robert Van Name	yes

PASSED AND ADOPTED on second reading this 11th day of May, 2005.




JUAN CARLOS BERMUDEZ, MAYOR

Attest:



MERCY ARCE, ACTING CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JOHN J. HEARN, CITY ATTORNEY