

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," OF THE CITY OF TAMARAC CODE OF ORDINANCES, BY CREATING SECTION 2-36, "CAMPAIGN FINANCE REPORTS"; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; 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, Broward County currently requires all candidates for Broward County office to file their campaign treasurer reports electronically with the Supervisor of Elections in Broward County; and

WHEREAS, the City of Tamarac has been committed to the use and implementation of technology and certain platforms to improve government efficiency, to make government more accessible and user-friendly, and whenever possible, reduce the demands on our resources; and

WHEREAS, the City has the authority under Section 106.07(2)(a)2, Florida Statutes, to impose electronic filing requirements for campaign finance reports required to be filed by each person, candidate, political committee, electioneering communications organization or other individual or organization required to file such reports pursuant to Chapter 106, Florida Statutes, where not inconsistent with Section 106.0705, Florida Statutes; and

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

WHEREAS, the City Commission finds that such a system is consistent with applicable Florida laws and best serves the health, safety and welfare of the citizens and residents of the City of Tamarac.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Commission hereby amends Chapter 2, “Administration,” of the City Code, by creating Section 2-46 of Article II to read as follows:

Section 2-36 - CAMPAIGN FINANCE REPORTS

a) Electronic Reporting.

Candidates for the Office of Mayor or City Commissioner 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 of the form upon request. For purposes of this Article, “Campaign Treasurer’s Reports” or “Reports” shall mean the reports required of the campaign treasurers of candidates pursuant to Section 106.07, *Florida Statutes*, as may amended from time to time, Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and subject to the penalties below, and all other applicable penalties, as otherwise provided by law.

b) Electronic Posting.

Campaign Treasurer’s Reports submitted by candidates for the Office of Mayor or City Commissioner 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, or any other time period as may be established by applicable law. 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 in any way violate any federal, state, or local law.

c) Penalties.

In addition to any other penalties which may be applicable, and as otherwise provided by law, 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 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.

d) Training Assistance.

The City Clerk shall provide training assistance to candidates regarding the electronic filing requirements herein.

SECTION 3. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. Codification. It is the intention of the City Commission of the City of Tamarac, Florida that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause of word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.

PASSED, FIRST READING this ____ day of _____, 2020.

PASSED, SECOND READING this ____ day of _____, 2020.

BY: _____
MAYOR MICHELLE J. GOMEZ

ATTEST

JENNIFER JOHNSON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR GOMEZ _____

DIST 1: V/M COMM. BOLTON _____

DIST 2: COMM. GELIN _____

DIST 3: COMM. FISHMAN _____

DIST 4: COMM. PLACKO _____

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR GOMEZ _____

DIST 1: V/M COMM. BOLTON _____

DIST 2: COMM. GELIN

DIST 3: COMM. FISHMAN

DIST 4: COMM. PLACKO

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form

SAMUEL S. GOREN
CITY ATTORNEY