



CHARTER REVISION BOARD MEETING

FORT LAUDERDALE EXECUTIVE AIRPORT
RED TAILS CONFERENCE ROOM
6000 NW 21ST AVENUE, FORT LAUDERDALE, FL 33309
THURSDAY, JANUARY 04TH 5:30 PM

AGENDA

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

II. DETERMINATION OF QUORUM

III. APPROVAL OF CORRECTED NOVEMBER 02ND MINUTES and DECEMBER 14TH MEETING

IV. OLD BUSINESS:

- Sec. 3.15. - Initiative; petition for proposed ordinance.
- Sec. 3.03. - Qualification of members; forfeiture of office.

V. NEW BUSINESS:

- Sec. 2-26 – Code of Ordinances
- Sec. 322.212 – Unauthorized possession of, and other unlawful acts in relations to, driver license or identification card

VI. CHARTER REVISION BOARD DISCUSSION

VII. PUBLIC INPUT

VIII. UNFINISHED BUSINESS

IX. GENERAL PUBLIC INPUT

ADJOURN

PURPOSE: ADVISE THE CITY COMMISSION ON THE PROPRIETY OF THE EXISTING CHARTER AND, FURTHER, TO MAKE SUGGESTIONS AND RECOMMENDATIONS TO PERFECT SAID CHARTER SO AS TO ESTABLISH A BETTER GOVERNMENT OF AND FOR THE CITY.

NOTE: TWO OR MORE CITY COMMISSIONERS AND/OR ADVISORY BOARD MEMBERS MAY BE PRESENT AT THIS MEETING. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, HE/SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IF YOU DESIRE AUXILIARY SERVICES TO ASSIST IN VIEWING OR HEARING THE MEETINGS, OR READING MEETING AGENDAS AND MINUTES, PLEASE CONTACT THE CITY CLERK AT (954) 828-5002 AND ARRANGEMENTS WILL BE MADE TO PROVIDE THESE SERVICES.

Sec. 3.15. Initiative and referendum; petition for proposed ordinance.

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(a) Power to initiate and reconsider ordinances.

(i) Initiative. The electors of the city shall have the power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election. Such power shall not apply to the city's budget or community investment plan, any amendment of the city's budget or community investment plan, salaries or benefits of elected officials, city officers, or employees, recall of elected officials, or reversal of business decisions, including, but not limited to, contractual obligations or the issuance of debt. In addition, such power shall not apply to any ordinance levying taxes, changing the actual zoning map designation of a parcel or parcels of land, or changing the actual list of permitted, conditional, or prohibited uses within a zoning category.

Commented [PB1]: "Ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a)." (Normal two-reading adoption.) §166.041(3)(c), Fla. Stat. (2023).

(ii) Referendum. The electors of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election. Such power shall not apply to any ordinance levying taxes, changing the actual zoning map designation of a parcel or parcels of land, or changing the actual list of permitted, conditional, or prohibited uses within a zoning category.

"Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, . . . shall be enacted pursuant to the following procedure:" §166.041(3)(c), Fla. Stat. (2023).

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(b) Commencement of proceedings. A minimum of ten electors may commence initiative or referendum proceedings by filing an affidavit with the city clerk (the "Affidavit") stating that they will constitute the petitioners' committee (the "Committee"). The Affidavit shall state the names and addresses of the Committee members and shall specify the address to which notices to the Committee are to be sent. The Affidavit shall also set out in full the text of the proposed initiative ordinance or cite the ordinance sought to be reconsidered.

(c) The Committee shall submit the proposed ordinance, together with a proposed petition form, to the city attorney, who shall have thirty days from receipt to find whether the proposed ordinance and the proposed petition form are legally sufficient. In the event the city attorney finds that the proposed ordinance or the proposed petition form is, or both are, are legally insufficient, the city attorney shall inform the committee of the circumstances of the legal insufficiency, and the Committee shall have thirty days from receipt of the city attorney's notice of legal insufficiency within which to redraft and resubmit the proposed ordinance or the proposed petition form or both to the city attorney. The city attorney shall have thirty days from receipt of the redrafted proposed ordinance or proposed petition form or both within which to find the redrafted proposed ordinance or proposed petition form or both legally sufficient or legally insufficient.

(d) Following a finding by the city attorney that the proposed ordinance is legally sufficient, the city will develop the petition form to be used, and the city clerk may,

at the Committee's request and expense, issue the appropriate Petition blanks to the Committee.

(e) Petitions.

(i) Number of signatures. Initiative Petitions must be signed by at least 1% of the total number of electors registered to vote at the last regular city election. Referendum Petitions must be signed by at least 1% of the total number of electors registered to vote at the last regular city election.

Commented [PB2]: §99.095, Fla. Stat. (2023), Petition process in lieu of a qualifying fee and party assessment.

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(ii) Form and content. All portions of a Petition shall be assembled as one instrument. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Throughout circulation, Petitions shall contain or have attached the full text of the ordinance proposed or sought to be reconsidered.

(iii) Filing deadline. Petitions must be filed with the city clerk or the city clerk's designee within 180 days of the date of filing the Affidavit relating to such initiative or referendum.

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(f) Procedure for filing of Petitions.

(i) Certificate of Supervisor of Elections. Upon the Committee's payment to the Broward County Supervisor of Elections the cost of signature verification established by the Broward County Supervisor of Elections, the Broward County Supervisor of Elections shall complete a certificate as to compliance with the provisions of subsection (e) of this Section (the "Certificate"). If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be sent promptly to the Committee and the city clerk by electronic means with electronic verification of receipt.

(ii) Amendment. A Petition certified insufficient because it lacks the required number of valid signatures may be supplemented by the filing of additional signatures within fifteen days from the date of the Certificate (the "Supplementary Petition") upon the Committee's payment to the Broward County Supervisor of Elections the cost of signature verification established by the Broward County Supervisor of Elections. The Broward County Supervisor of Elections shall complete a Certificate as to the sufficiency of the Petition as amended by the Supplementary Petition (the "Amended Petition") and promptly forward a copy of the Certificate to the Committee and the city clerk by electronic means with electronic verification of receipt.

(iii) Submission to the city commission. If a Petition or Amended Petition is certified sufficient, or if a Petition is certified insufficient and the Committee does not elect to file a Supplementary Petition, or if an Amended Petition is certified

insufficient, the city clerk shall promptly present the Certificate to the city commission.

(g) Action on Petitions.

- (i) Action by city commission. Upon receipt of a Certificate determining a Petition sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the electors of the city. If the city commission fails to act on a proposed initiative ordinance or a referred ordinance within the requisite time period, the city commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the city commission was authorized to act on such matter.
- (ii) Submission to electors. The vote of the electorate on a proposed or referred ordinance shall be held in conjunction with the city's next regular municipal election unless the city commission, at the Committee's request, elects an earlier vote of the electorate, provided that in such event, the election shall be by mail ballot election, and the Committee shall prepay the cost of the mail ballot election.
- (iii) Withdrawal of petitions. A Petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the electorate by filing with the city clerk a request for withdrawal signed by at least eight-tenths of the members of the Committee. Upon the filing of such request, the Petition shall have no further force or effect and all proceedings thereon shall be terminated.

(h) Results of election.

- (i) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (ii) Referendum. If a majority of the qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.

Sec. 3.03. - Qualification of members; forfeiture of office.

To be eligible to hold the office of mayor, a candidate shall have resided continuously in the City of Fort Lauderdale as a permanent resident for at least six (6) months immediately preceding the date of qualification for such office, shall be a citizen of the United States of America and an elector of the City of Fort Lauderdale at the time of qualification for such office, shall be otherwise qualified for such office as provided in this charter, shall hold no other public elective office, shall not be an officer, employee, or serving in any capacity in the government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter, and shall reside continuously as a permanent resident of the City of Fort Lauderdale during the term of office. Candidates for election as mayor shall comply with all of the rules and regulations set forth in this charter as to their conduct. Any candidate for mayor or any mayor who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

To be eligible to hold the office of city commissioner, a candidate shall have resided continuously as a permanent resident of the city commission district for which such candidate seeks office for at least six (6) months immediately preceding the date of qualification for such office, except that in any year in which there has been a reapportionment of city commission districts, a candidate for the office of city commissioner whose permanent residence in the City of Fort Lauderdale is in a different city commission district as a result of such reapportionment may seek office as a city commissioner in the city commission district of his or her permanent residence that results from the reapportionment. In addition, to be eligible to hold the office of city commissioner, a candidate shall be a citizen of the United States of America and an elector of the City of Fort Lauderdale at the time of qualification for such office, shall be otherwise qualified for such office as provided in this charter, shall hold no other public elective office, shall not be an officer, employee, or serving in any capacity in the government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter, and shall reside continuously as a permanent resident of the district to which such commissioner is elected during the term of office. Candidates for election as city commissioner shall comply with all of the rules and regulations set forth in this charter as to their conduct. Any candidate for city commissioner or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

Sec. 2-26. Meetings.

Meetings of the city commission shall be held in the city hall at 1:30 p.m. on the first and third Tuesdays of each month, except that in those months wherein there are five (5) Tuesdays, a meeting shall be held on the last such Tuesday in addition to the meetings on the first and third Tuesdays, at the discretion of the city commission. If a meeting day shall fall on a legal holiday, then the meeting shall be held at 1:30 p.m. on the succeeding Wednesday. Provided, however, at any meeting the commission may, by resolution, reschedule commission meeting dates to dates other than as established in this section, provided that the resolution so adopted is published in the official newspaper of the city once at least three (3) days before the date so fixed. The city commission may, by motion, eliminate meetings for one (1) month each year to provide for vacations. The agenda for meetings of the city commission shall be established by the city manager and shall provide for public hearings, ordinances, resolutions and motions to be heard at 6:00 p.m. at the meeting on the first and third Tuesday of each month.

(Code 1953, § 2-3; Ord. No. C-1044, § 2-3, 6-15-54; Ord. No. C-66-4, § 1, 1-4-66; Ord. No. C-66-6, § 1, 1-18-66; Ord. No. C-75-9, § 1, 1-21-75; Ord. No. C-77-142, § 1, 10-4-77; Ord. No. C-80-109, § 2, 12-9-80; Ord. No. C-90-11, § 1, 3-6-90; Ord. No. C-91-20, § 1, 5-7-91; Ord. No. C-91-62, § 1, 9-19-91; Ord. No. C-91-91, § 1, 1-7-92; Ord. No. C-98-10, § 1, 2-17-98; Ord. No. C-02-2, § 1, 2-5-02; Ord. No. C-02-6, § 1, 4-2-02; Ord. No. C-14-33, § 1, 9-3-14)

Charter reference(s)—Regular meetings of commission, § 3.11.

State law reference(s)—Public meetings required, F.S. § 286.011.

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver license or identification card.—

(1) It is unlawful for any person to:

(a) Knowingly have in his or her possession or to display any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver license or identification card or any instrument in the similitude of a driver license or identification card unless possession by such person has been duly authorized by the department;

(b) Knowingly have in his or her possession any instrument in the similitude of a driver license issued by the department or its duly authorized agents or those of any state or jurisdiction issuing licenses recognized in this state for the operation of a motor vehicle;

(c) Knowingly have in his or her possession any instrument in the similitude of an identification card issued by the department or its duly authorized agents or those of any state or jurisdiction issuing identification cards recognized in this state for the purpose of indicating a person's true name and age; or

(d) Knowingly sell, manufacture, or deliver, or knowingly offer to sell, manufacture, or deliver, a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver license or identification card, or an instrument in the similitude of a driver license or identification card, unless that person is authorized to do so by the department. A violation of this section may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

The term "driver license" includes a driver license issued by the department or its agents or a driver license issued by any state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle. The term "identification card" includes any identification card issued by the department or its agents or any identification card issued by any state or jurisdiction that issues identification cards recognized in this state for the purpose of indicating a person's true name and age. This subsection does not prohibit a person from possessing or displaying another person's driver license or identification card for a lawful purpose.

(2) It is unlawful for any person to barter, trade, sell, or give away any driver license or identification card or to perpetrate a conspiracy to barter, trade, sell, or give away any such license or identification card unless such person has been duly authorized to issue the license or identification card by the department as provided in this chapter or in the adopted rules of the department.

(3) It is unlawful for any employee of the department to allow or permit the issuance of a driver license or identification card when he or she knows that the applicant has not lawfully fulfilled the requirements of this chapter for the issuance of such license or identification card.

(4) It is unlawful for any person to agree to supply or to aid in supplying any person with a driver license or identification card by any means whatsoever not in accordance with the provisions of this chapter.

(5)(a) It is unlawful for any person to use a false or fictitious name in any application for a driver license or identification card or knowingly to make a false statement, knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(b) It is unlawful for any person to have in his or her possession a driver license or identification card upon which the date of birth has been altered.

(c) It is unlawful for any person designated as a sexual predator or sexual offender to have in his or her possession a driver license or identification card upon which the sexual predator or sexual offender markings required by s. 322.141 are not displayed or have been altered.

(6) Except as otherwise provided in this subsection, any person who violates any of the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any person who violates paragraph (5)(a) by giving a false age in any application for a driver license or identification card or who violates paragraph (5)(b) by possessing a driver license, identification card, or any instrument in the similitude thereof, on which the date of birth has been altered is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates paragraph (1)(d) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) In addition to any other penalties provided by this section, any person who provides false information when applying for a commercial driver license or commercial learner's permit or is convicted of fraud in connection with testing for a commercial driver license or commercial learner's permit shall be disqualified from operating a commercial motor vehicle for a period of 1 year.

(8) The provisions of this section are in addition and supplemental to all other provisions of this chapter and of the laws of this state relating to driver licenses and identification cards.

History.—s. 1, ch. 65-167; ss. 24, 35, ch. 69-106; s. 212, ch. 71-136; s. 24, ch. 73-334; s. 19, ch. 78-394; s. 1, ch. 84-91; s. 410, ch. 95-148; s. 4, ch. 97-206; s. 1, ch. 2002-178; s. 6, ch. 2002-259; s. 2, ch. 2003-286; s. 82, ch. 2005-164; s. 2, ch. 2007-207; s. 53, ch. 2013-160.