

**CITY OF FORT LAUDERDALE  
CHARTER REVISION BOARD REPORT TO THE CITY COMMISSION  
APRIL 11, 2024**

This report contains the first set of recommendations from the City of Fort Lauderdale Charter Revision Board (“Board”). When further recommendations have been developed, another report will be issued.

Since reconvening on May 5, 2023, the Board has met on thirteen occasions to review the Charter of the City of Fort Lauderdale, Florida, (“Charter”), and formulate recommendations to amend the Charter. All meetings have been open to the public and public participation has been solicited at each meeting. *The Board recommends that a special election be held in conjunction with the general election on November 5, 2024, for the City’s electorate to consider amending the Charter.*

The Board recommends that the following Charter sections be amended as described. The proposed revisions are attached as exhibits, subject to further review and finalization by the City Attorney’s Office.

**Section 3.03. Qualification of members; forfeiture of office.**

The Board recommends that Section 3.03 be amended to clarify that candidates for mayor and city commissioner must:

- 1) Have resided continuously in the City as permanent residents for at least six months preceding qualification for office;
- 2) Be electors of the City at the time of qualification (The current charter requires that they be over the age of twenty-one); and
- 3) Not hold other elective office or be an officer or employee of the City at the time of filing their candidate oaths in accordance with Section 7.14 of the Charter.

In addition, with regard to candidates for city commissioner, it is recommended that the Charter be amended to require that the candidate shall have resided continuously as a permanent resident of the city commission district for which such candidate seeks office for at least six months immediately preceding the date of qualification for such office. However, in any year in which there has been a reestablishment (reapportionment) of city commission districts, a candidate whose permanent residence in the City is in a different district as a result of the reapportionment may seek office in the district of his or her permanent residence that results from the reapportionment notwithstanding the six-month residency requirement.

The Board’s recommendation for Section 3.03 is set forth in Exhibit 1.

**Section 3.04. - Judge of elections and qualifications of members.**

Pursuant to Section 7 of Chapter 2012-253, Laws of Florida, (the “Special Act”), the Broward County Canvassing Board canvasses all municipal elections in Broward County. Inasmuch as judicial remedies exist for the potential challenges described in Section 3.04 (violation of the Charter or qualifications to hold office), the Board recommends that Section 3.04 be repealed.

The Board’s recommendation repealing Section 3.04 is set forth in Exhibit 2.

**Section 3.05. Designation of vice-mayor.**

The Board recommends aligning the timing of the designation of Vice-Mayor with that of seating a new city commission following a regular municipal election, as outlined in Section 3.09. In addition, the Board recommends adding language to provide for redesignation of a Vice-Mayor in the event a Vice-Mayor does not complete his or her term of office.

The Board’s recommendation for Section 3.05 is set forth in Exhibit 3.

**Sec. 3.08. - Forfeiture of office.**

The Board recommends deleting the sentence that provides for forfeiture of office in the event of a conviction for a felony in light of and recognizing the existing governor’s statutory authority to suspend and remove municipal officers.

The Board’s recommendation for Section 3.08 is set forth in Exhibit 4.

**Section 3.09. - Organization meeting.**

The Board recommends that the organization meeting of the Commission following a municipal election (regular or special), at which those elected take office, be on the date of the first regular city commission meeting after the certification of election results by the Broward County Canvassing Board. (See Section 3.13 regarding regular meetings.)

The Board’s recommendation for Section 3.09 is set forth in Exhibit 5.

**Section 3.10. - Special meeting to seat a new member.**

The Board recommends the repeal of Section 3.10 if the City Commission adopts the Board’s recommendation for Section 3.09. Section 3.10 will be superfluous because Section 3.09 will prescribe the time of taking office for officials elected at a special election.

The Board's recommendation for Section 3.10 is set forth in Exhibit 6.

**Section 3.13. - Meeting place; meetings to be public.**

The Board recommends amending Section 3.13 to provide for:

- 1) The holding of City Commission meetings on the first and third Tuesdays of each month or on the succeeding Wednesday in the event of a legal holiday;
- 2) Rescheduling meeting dates;
- 3) Calling special meetings by resolution; and
- 4) The agenda to be established by the city manager; and
- 5) To provide for the City Commission, by ordinance, to prescribe rules of parliamentary procedure and identify a parliamentarian.

The Board's recommendation for Section 3.13 is set forth in Exhibit 7.

**Section 4.05. - City manager; appointment; qualifications; compensation.**

The Board recommends amending Section 4.05 to require that the city manager be a permanent resident of the City during his or her term of office.

The Board's recommendation for Section 4.05 is set forth in Exhibit 8.

**Section 3.15. - Initiative; petition for proposed ordinance.**

The Board recommends restating Section 3.15 almost in its entirety, related to the initiative and referendum process. The proposal excludes budgeting, salaries, taxes, and zoning from the initiative process. The recommended procedure for both initiative and referendum is as follows:

1. Proceedings may be commenced by a minimum of ten electors who file an affidavit with the city clerk stating that they will constitute the petitioners' committee ("Committee"), rather than the current requirement of a committee of not less than one thousand electors to initiate the process.
2. The Committee submits its proposal to the city attorney on a form provided by the city.
3. The city attorney has thirty days to find that the proposal is legally sufficient or insufficient.

4. The Committee has thirty days to resubmit the proposal in response to a finding of legal insufficiency.

5. Petitions must be signed by at least one percent of the total number of electors registered to vote at the last regular city election.

6. Signed petitions are submitted to the Supervisor of Elections for verification.

7. Upon receipt of a certificate issued by the Supervisor of Elections that the petition is sufficient, the City Commission considers the petition.

8. 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.

9. The vote of the electorate is held in conjunction with the city's next regular municipal election unless the Committee elects an earlier vote of the electorate, either in conjunction with an earlier available Broward County election, or by mail ballot election, provided that the Committee shall prepay the cost of a vote of the electorate that is held earlier than the city's next regular municipal election.

10. If a majority of the qualified electors voting on a proposed initiative ordinance or on a referred ordinance vote in favor of the measure, it is considered adopted upon certification of the election results.

The Board's recommendation for Section 3.15 is set forth in Exhibit 9.

**Section 8.01. - Sale of personal property; procedure; public notice.**

The Board recommends amending Section 8.01 requiring that the procedure for the sale of personal property belonging to the City shall be as provided by ordinance.

The Board's recommendation for Section 8.01 is set forth in Exhibit 10.

**Section 8.02. - Sale of public lands and of public property to public bodies.**

The Board recommends amending Section 8.02 to outline the process of selling or otherwise conveying City-owned property to public bodies or allowing public bodies to make improvements on City-owned property. The use would have to be for a paramount public purpose, to wit, an activity that is essential to the health, morals, protection, or welfare of the city, or for use predominantly for educational, literary, scientific, or charitable purposes, as determined by the City of Fort Lauderdale City Commission.

The Board's recommendation for Section 8.02 is set forth in Exhibit 11.

**Section 8.04. - Sale of real property to private persons, firms or corporations.**

[Placeholder]

The Board's recommendation for Section 8.04 is set forth in Exhibit 12.

**Section 8.09. - Leases for more than one year and not more than fifty years.**

The Board recommends amending Section 8.09 to clarify that all use agreements, including leases, license agreements, concession agreements, facility use agreements, and other types of use agreements (each is an "Instrument") with private parties for the nonpublic use of real property owned by the City are subject to a fifty-year maximum, including any renewals or extensions.

The City Commission's approval of an Instrument would be subject to the following:

1. Approval of any Instrument having a duration exceeding one year would require a resolution adopted by the affirmative vote of at least four commissioners containing a finding that such use of the property would be in the city's best interest and the City Commission's consideration of a fair market value analysis of the property prepared by a qualified independent consultant; and

2. In addition to the requirement of a fair market value analysis described in #1, the approval of an Instrument having a duration exceeding ten years, including any optional renewals or extensions, would require the City Commission's consideration of an accompanying business viability report prepared by a qualified independent consultant; and

3. Each Instrument must contain a provision prohibiting assignment except upon the affirmative vote of at least four commissioners.

The Board's recommendation for Section 8.09 is set forth in Exhibit 13.

**Section 8.21. - Disposing of Park property.**

The Board recommends amending Section 8.21 by deleting the first paragraph, which is a superfluous statement of the City's right to dispose of public property. In addition, the Board recommends:

1. That the City not dispose of land zoned Parks, Recreation and Open Space except as may be approved in a referendum at a special election called pursuant to Section 7.11 of the Charter;

2. That the City not lease land zoned Parks, Recreation and Open Space except pursuant to a unanimous vote of the entire City Commission; and

3. That the date of November 10, 2004, be removed from the Charter, resulting in the requirement that a unanimous vote of the entire City Commission would be necessary to remove the Parks, Recreation and Open Space designation from any parcel.

4. Renaming this section.

The Board's recommendation for Section 8.21 is set forth in Exhibit 14.

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