

ORDINANCE NO. C-02-09

AN ORDINANCE AMENDING CHAPTER 12, "ELECTIONS," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 12-1 TO PROVIDE FOR CAMPAIGN FINANCING PROVISIONS SUPPLEMENTING STATE LAW; CREATING SECTION 12-3, "DEFINITIONS"; CREATING SECTION 12-4, "CAMPAIGN CONTRIBUTION LIMITS AND PROHIBITED CONTRIBUTIONS," TO PROVIDE FOR CAMPAIGN CONTRIBUTION LIMITATIONS AND SPECIFYING ENTITIES AND ORGANIZATIONS PROHIBITED FROM MAKING CONTRIBUTIONS TO CANDIDATES IN ELECTIONS FOR MAYOR-COMMISSIONER AND CITY COMMISSIONER; AND CREATING SECTION 12-5, "PENALTIES."

WHEREAS, the United States Supreme Court has held in several instances beginning with the decision in Buckley v. Valeo, 424 U.S. 1 (1976), that the perception of corruption is inherent in a system of large financial contributions to candidates for public office, and the City Commission of the City of Fort Lauderdale has determined that it is necessary to prevent corruption and the appearance of corruption that results from large campaign contributions and campaign contributions from certain entities and organizations must be prevented from having an adverse effect on municipal elections for mayor-commissioner and city commissioner; and

WHEREAS, in the case of Claravella v. Board of County Commissioners of Sarasota County, et al., No. 99-4201 (Fla. Cir. Ct. Sept. 10, 1999), local election campaign contribution limits lower than provided for in Section 106.08, Florida Statutes, have been upheld as enforceable and constitutional; and

WHEREAS, the City Commission has found that it is necessary for the preservation of the integrity of representative democracy in the City of Fort Lauderdale to impose limitations and restrictions on campaign contributions, which includes direct expenditures on behalf of candidates, in municipal elections in order to remove the perceived corruption stemming from candidate dependence upon large contributors and contributors such as corporations, special interest groups and other entities and organizations; and

WHEREAS, the United States Supreme Court has found that when the perception of corruption is not addressed, the resulting cynical assumption of voters that large donors unduly influence the work of government could jeopardize the willingness of voters to participate in the democratic process of representative government; and

WHEREAS, the City Commission has found that the public's awareness of the possibilities of abuse and corruption arising from large contributors and contributions from certain entities and organizations erodes the public's confidence in the democratic system and in the integrity of municipal elections in the City of Fort Lauderdale; and

WHEREAS, the City Commission has determined that in order to prevent the appearance of undue influence and access to candidates by contributors and to prevent candidates from gaining an unfair advantage in the political marketplace, it is necessary to address the potential for abuses associated with campaign contributions, including direct expenditures, by entities formed for business purposes such as corporations, limited liability companies, professional associations, national and state banks, unincorporated associations, labor organizations, and limited partnerships, limited liability partnerships, and general partnerships, as well as special interest groups such as political committees, political action committees, committees of continuous existence and unincorporated associations; and

WHEREAS, business entities and entities formed for business purposes have the ability to amass great wealth in the economic marketplace and to utilize such wealth to disproportionately impact municipal elections with campaign contributions, which unfairly influences elections and creates the perception that public officials may be influenced by special interests to the public detriment; and

WHEREAS, resources in the treasury and accounts of a business entity are not an indication of popular support of the entity's political ideas, but instead reflect the economically-motivated decisions of investors, owners, and customers; and

WHEREAS, the City Commission has determined that in order to prevent abuses that are likely to result from an ordinance limiting campaign contribution amounts and prohibiting specified business entities from contributing to a candidate, it is necessary to prohibit contributions from other groups and organizations to inhibit circumvention of the ordinance's contribution limitations; and

WHEREAS, there is a danger that a candidate's reliance on contributions from corporations, special interest groups and other entities and organizations for election assistance will impair such candidate's ability to make independent choices; and

WHEREAS, the City Commission has determined that the appearance of quid pro quo relationships between special interest contributors and political recipients, whether or not it exists, seriously undermines public confidence in the political system, and has the potential for disproportionate impact on elections in the City of Fort Lauderdale; and

WHEREAS, the City Commission has determined that campaign contributions in previous elections demonstrate that candidates can amass the resources necessary to participate effectively in the electoral process, by means of contributions from individuals and without relying on contributions from corporations, special interest groups and other entities and organizations; and

WHEREAS, the City Commission has determined the campaign finance provisions of this ordinance will eliminate the appearance of and the potential for undue and unfair influence on elected city officials helping to instill more faith and trust in government, will ensure that competition among candidates in the political arena is truly a competition of political ideas, and will level the playing field for qualified individuals, who may not otherwise choose to run for public office, desiring to devote the time and effort necessary seek and hold the office of mayor-commissioner or city commissioner of the City of Fort Lauderdale;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 12-1, entitled "State law to apply," of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended as follows:

Sec. 12-1. State law to apply.

All city elections shall be conducted in accordance with the requirements set forth in Florida Statutes, and with the coexisting provisions of this chapter.

SECTION 2. That Section 12-3, entitled "Definitions," of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby created as follows:

Sec. 12-3. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. Words not defined in this article shall be defined in accordance with state and federal law or otherwise shall be given their common and ordinary meaning, unless the context clearly provides otherwise.

(a) Candidate shall have the meaning given to such term in Chapter 106, Florida Statutes, as amended from time to time.

(b) Committee of continuous existence shall have the meaning given to such term in Chapter 106, Florida Statutes, as amended from time to time.

(c) Contribution shall have the meaning given to such term in Chapter 106, Florida Statutes, as amended from time to time. An independent expenditure, as that term is defined in Chapter 106, Florida Statutes, is not included within the meaning of contribution.

(d) Labor organization or union means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(e) Natural person shall mean any human being other than an unemancipated child under the age of eighteen.

(f) Political Committee shall have the meaning given to such term in Chapter 106, Florida Statutes, as amended from time to time.

(g) Unincorporated association means any group of natural persons formed for a common purpose or objective.

(h) Unopposed candidate shall have the meaning given to such term in Section 106.011(15), Florida Statutes, as amended from time to time.

SECTION 3. That Section 12-4, entitled "Campaign contribution limits and prohibited contributions," of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby created as follows:

Sec. 12-4 Campaign contribution limits and prohibited contributions.

- (a) It shall be unlawful for any natural person, either directly or indirectly, to make contributions to any candidate with respect to any election for the office of mayor-commissioner or city commissioner, which, in the aggregate, exceed \$250.00.
- (b) It shall be unlawful for any candidate or other natural person to knowingly accept or receive any campaign contribution prohibited by this section.
- (c) The contribution limitations of this section apply to each election conducted to fill a particular office. Each primary, special and general election are separate elections provided the candidate is not an unopposed candidate.
- (d) No contribution shall be made to any candidate with respect to any election for the office of mayor-commissioner or city commissioner, except by a natural person. It shall be unlawful for any entity or organization listed below to make a contribution in connection with any primary, general, or special election held to select candidates for mayor-commissioner or city commissioner, or for any candidate or other person to accept or receive any contribution prohibited by this section, or any officer or director of any entity or organization below to consent to any contribution by the entity or organization, as the case may be, prohibited by this section:
- (1) any corporation, corporation not for profit, partnership, limited partnership, limited liability partnership, association cooperative, joint venture, business trust, limited liability company, professional service corporation, or sole proprietorship organized under the laws of the State of Florida or any other state or foreign country, and as defined in Florida Statutes;

- (2) any bank or financial institution organized or doing business under the laws of the United States, the State of Florida or any other state;
- (3) any labor organization or union;
- (4) any political committee or political action committee;
- (5) any committee of continuous existence;
- (6) any unincorporated association.

SECTION 4. That Section 12-5, entitled "Penalties," of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby created as follows:

Sec. 12-5 Penalties.


Any candidate, natural person, entity or organization who violates, permits to be violated or causes to be violated any provision of this chapter shall, upon such a finding by a court of competent jurisdiction, be assessed a civil fine in an amount not to exceed five hundred (\$500.00) dollars per violation.

SECTION 5. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.


SECTION 7. That this Ordinance shall be in full force and effect immediately upon passage.

PASSED FIRST READING this the 23rd day of April, 2002
PASSED SECOND READING this the 7th day of May, 2002



Mayor
JIM NAUGLE

ATTEST:



City Clerk
LUCY MASLIAH