



CITY OF
FORT LAUDERDALE

Charter Revision Board – Workplan Overview & Direction



CITY OF
FORT
LAUDERDALE

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Government – Amended Section

Article III – Government of City and Form of Government.

Section 3.03 – Qualifications of members; forfeiture of office.

Summary:

Reorganization of qualifications for office for easier reading; requires being an elector, thereby reducing age to 18; accounts for residence after redistricting; sets criteria for “permanent resident”; changes residence from six months to twelve months.

Government – Amended Section

Article III – Government of City and Form of Government.

Section 3.04 – Judge of elections and qualifications of members.

Summary:

Adds Clerk for ministerial review of candidate documentation; eliminates city commission as canvasser and the ability of electors to challenge candidates during cavassing.

Government – Amended Section

Article III – Government of City and Form of Government.

Section 3.05 – Designation of vice-mayor.

Summary:

Changes the date of designation of vice-mayor from the first meeting in April to the first meeting after all commissioners elected in a municipal election assume office, and annually thereafter.

Government – Amended Section

Article III – Government of City and Form of Government.

Section 3.08 – Forfeiture of office; absence.

Summary:

Reduces the number of consecutive absences from four to three for vacation of a commissioner seat; adds an exception for “good cause” shown; and deletes forfeiture of office for felony conviction.

Government – Amended Section

Article III – Government of City and Form of Government.

Section 3.09 – Organizational meeting.

Summary:

Organizational meeting and oath of office on the date of the first (1st) regular city commission meeting after certification of election results by the Broward County Canvassing Board rather than at the first (1st) regular meeting in December.

Government – Deleted Section

Article III – Government of City and Form of Government.

Section 3.10 – Special meeting to seat a new member.

Summary:

Section subsumed by Section 3.09.

Government – Amended Section

Article III – Government of City and Form of Government.

Section 3.12 – Special meetings – How called.

Summary:

Special meetings on seventy-two (72) hours' notice except emergency meeting upon such notice as is practicable under the circumstances; defines emergency.

Government – Amended Section

Article III – Government of City and Form of Government.

Section 3.15 – Initiative and referendum; petition for proposed ordinance.

Summary:

Changes initiative/referendum process.

Government – Deleted Section

Article III – Government of City and Form of Government.

Section 3.16 – Circulating petition for an election.

Summary:

Section subsumed by Section 3.15.

Government – Deleted Section

Article III – Government of City and Form of Government.

Section 3.17 – Commission required to take action.

Summary:

Section subsumed by Section 3.15.

Government – Deleted Section

Article III – Government of City and Form of Government.

Section 3.18 – Time of holding election.

Summary:

Section subsumed by Section 3.15.

Government – Deleted Section

Article III – Government of City and Form of Government.

Section 3.19 – Ballots.

Summary:

Section subsumed by Section 3.15.

Government – Deleted Section

Article III – Government of City and Form of Government.

Section 3.20 – Referendum elections.

Summary:

Section subsumed by Section 3.15.

Human Resources – Amended Section

Article IV – Executive Officers.

Section 4.06 – ~~Acting city manager upon resignation of or during absence or disability of~~ Designation of interim or acting city manager.

Summary:

Separates temporary absence of the city manager from the resignation/termination paragraph, provides for an interim city manager in the event of resignation or termination of the city manager, and provides for a deputy city manager, assistance city manager, or department director to be known as “acting city manager” during a temporary absence of the city manager.

Human Resources – Amended Section

Article IV – Executive Officers.

Section 4.08 – Removal or discharge.

Summary:

Changes “acting city manager” to “interim city manager” for consistency with proposed revision of Section 4.06.

Human Resources – Amended Section

Article VI – Civil Service System.

Section 6.02 – Classified and nonclassified service.

Summary:

Changes “acting city manager” to “interim city manager” for consistency with proposed revision of Section 4.06.

Human Resources – Amended Section

Article VI – Civil Service System.

Section 6.04 – Civil service board; created; composition.

Summary:

Modifies the manner in which a tie in nominations to the nominating committee for employee members of the Civil Service Board is resolved; modifies the composition of the election board, which certifies the results of elections for appointment of members of the Civil Service Board, by changing two (2) city commissioners appointed by the mayor to two (2) members of the nominating committee; and relieves the Civil Service Board of consideration of new job class specifications or revisions and amendments to existing job class specifications.

Property – Amended Section

Article VIII – Public Property.

Section 8.01 – Sale of personal property; ~~procedure; public notice.~~

Summary:

Simplifies the sale of personal property.

Property – Amended Section

Article VIII – Public Property.

Section 8.02 – Sale or lease of city public lands and public property to public bodies.

Summary:

Simplifies the sale or lease of property to public bodies for a public purpose upon the affirmative vote or at least four (4) commissioners; removed the word “morals”.

Property – Amended Section

Article VIII – Public Property.

Section 8.04 – Sale of real property to private parties ~~persons, firms or corporations.~~

Summary:

Simplifies the sale of real property to private parties; requires a resolution containing a finding that such sale, exchange, or conveyance would be in the City’s best interest adopted by the affirmative vote of at least four (4) commissioners.

Property – Deleted Section

Article VIII – Public Property.

Section 8.07 – Civil service board; created; composition.

Summary:

Section subsumed by proposed Section 8.02.

Property – Amended Section

Article VIII – Public Property.

Section 8.09 – Leases, licenses, concessions, and use agreements for more than one year and not more than fifty years.

Summary:

Simplifies leases, etc., for more than one (1) year and not more than fifty (50); tiered requirements and number of votes.

Property – Amended Section

Article VIII – Public Property.

Section 8.21 – Disposing of public park property.

Summary:

Sale of land zoned Parks, Recreation and Open Space (“park”) by referendum; lease, license, etc., of land zoned park for more than one (1) year by unanimous vote; provides for the removal of park zoning designation on or after effective date of charter amendment by unanimous vote.

Miscellaneous – Amended Section

Article VII – Elections.

Section 7.16 – Election; tie vote; ~~primary election to fill one vacancy.~~

Summary:

Deletes remnant mention of primary election.

Miscellaneous – Deleted Section

Article X – Miscellaneous Provisions.

Section 10.03 – Public hearings and public notice.

Summary:

Repeals the requirement of two (2) publications for public hearings.

Section 3.03 – Qualification of members; ~~forfeiture of office.~~

- (a) To be eligible to hold the office of mayor, a candidate shall:
- (1) have resided continuously in the City as a permanent resident for at least twelve months immediately preceding the date of qualification for such office;
 - (2) be a citizen of the United States of America;
 - (3) be an elector of the City at the time of qualification for such office;
 - (4) hold no other public elective office;
 - (5) not be an officer, employee, or serving in any capacity in the government of the City at the time of filing a candidate oath in accordance with section 7.14 of this charter, except that a city commissioner may qualify for election to the office of mayor, and the mayor may qualify for reelection subject to section 3.02 of this charter;
 - (6) reside continuously as a permanent resident of the City during the term of office; and
 - (7) be otherwise qualified for such office as provided in this charter.
- (b) To be eligible to hold the office of city commissioner a candidate shall:



Section 3.03 – Qualification of members; ~~forfeiture of office.~~

- (1) have resided continuously as a permanent resident of the city commission district for which such candidate seeks office for at least twelve months immediately preceding the date of qualification for such office, except that in any year in which there has been a reestablishment of city commission districts (a “Reestablishment”), candidate for the office of city commission whose permanent residence in the City is in a different city commission district as a result of the Reestablishment may seek office as a city commissioner in the city commission district of his or her permanent residence that results from the Reestablishment;
- (2) be a citizen of the United States of America;
- (3) be an elector of the City at the time of qualification for such office;
- (4) hold no other public elective office;
- (5) not be an officer, employee, or serving in any capacity in the government of the City at the time of filing a candidate oath in accordance with section 7.14 of this charter, except that a city commissioner serving may qualify for reelection subject to section 3.02 of this charter;
- (6) reside continuously as a permanent resident of the district to which such commissioner is elected during the term of office; and
- (7) be otherwise qualified for such office as provided in this charter.



Section 3.03 – Qualification of members; ~~forfeiture of office.~~

- (c) Candidates for election as mayor or city commissioner shall comply with all the rules and regulations set forth in the charter as to their conduct. Any candidate for mayor or city commissioner, or any mayor or city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.
- (d) For purposes of this section, continuous residence as a permanent resident for at least twelve months immediately preceding the date of qualification for office must be established by providing a copy of at least five of the following to the city clerk:
 - (1) Florida driver license or identification number showing a home address within the city or district, as applicable;
 - (2) Florida vehicle registration showing a home address within the city or district, as applicable;
 - (3) Florida voter registration card showing a home address within the city or district, as applicable;
 - (4) Certified copy of a recorded declaration of domicile and residency showing a home address within the city or district, as applicable;
 - (5) Address listed on the last Internal Revenue Service tax return, showing a home address within the city or district, as applicable;



Section 3.03 – Qualification of members; ~~forfeiture of office.~~

- (6) Bank statement and checking account mailing address showing a home address within the city or district, as applicable;
- (7) Proof of payment of utilities at a home address within the city or district, as applicable;
- (8) Property Appraiser's record showing ownership of homestead property within the city or district, as applicable;
- (9) An item of mail with a postmark directed to a person's home address within the city or district, as applicable;
- (10) A residential lease showing a home address within the city or district, as applicable.



Section 3.04 – Judge of elections and qualifications of members.

All candidates for the office of mayor or commissioner shall submit to the city clerk, for a ministerial review, documentation necessary to demonstrate compliance with this charter and applicable law. The city commission shall be the judge of the qualifications of its members, referendums and all municipal elections and referendums and of the qualifications of its members, subject to review by the courts. At the time that the city commission meets to canvass the results of any election, any registered elector of City of Fort Lauderdale shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his or her election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.

Section 3.05 – Designation of vice-mayor.

- (a) At its first meeting after all commissioners elected in a municipal election assume office, and annually thereafter until the next municipal election, ~~the regular triennial election of 1988~~, the city commission shall, by resolution, designate a district commissioner as vice-mayor. ~~The vice-mayor selected in 1988 shall serve until the first city commission meeting to be held in April 1989 and at that meeting and at the first meeting in April for every year thereafter the city commission shall by resolution designate a district commissioner as vice-mayor.~~ Should a commissioner decline or be otherwise disqualified from serving in the office of vice-mayor, then and in that event, another district commissioner shall be designated by resolution to serve in such office.
- (b) The vice-mayor shall preside at any meeting of the city commission from which the mayor is absent and shall perform those functions and duties set forth in section 4.04 hereof. Should the mayor resign from office or be otherwise unable to continue to serve as mayor, the vice-mayor shall serve as mayor until the vacancy in the office of mayor shall be filled as provided herein.

Section 3.08 – Forfeiture of office; absence.

Absence by any commissioner from three ~~four (4)~~ consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless good cause is shown and such absence is excused by the city commission, by formal action duly entered upon the minutes. ~~Any member of the city commission who shall, while in office, be convicted of a felony, shall thereupon forfeit his or her office, notwithstanding any appeal or right of appeal he or she may take or have subsequent to such conviction.~~ Any member of the city commission who shall violate the provisions of article VI, section 6.06 of this charter shall forfeit his or her office.

Section 3.09 – Organizational meeting.

~~On the first regular meeting day in December following each regular election the existing date of the first regular city commission meeting shall meet at the usual place for holding the meetings of the legislative body of the city, for the purpose of transacting any and all necessary business before assumption of office by the after the certification of election results by the Broward County Canvassing Board, all newly elected commissioners officials whose election has been certified shall take an oath of office and assume the duties of office. At 11:00 a.m. Eastern Standard Time the newly elected city commissioners shall assume the duties of office.~~

~~Section 3.10 – Special meeting to seat a new member.~~

~~On the first Tuesday following the election of a new member, elected at other than a quadrennial regular election, the commission shall meet to receive such new member.~~

Section 3.12 – Special meetings – How called.

The mayor or the city manager, may call special meetings of the city commission upon at least ~~six (6) hours' written or e-mail notice~~ seventy-two hours' notice prior to any special meeting, except that in the event of an emergency as determined by the mayor or the city manager, in consultation with the city attorney, a special meeting of the city commission may be called upon such notice prior to a special meeting for an emergency as is practicable under the circumstances. ~~to each member, the city manager, city auditor, city clerk, and city attorney, served personally, transmitted by email, or left at his or her usual place of residence.~~ The call notice shall state the general purpose of the meeting. For purposes of this section, an emergency is any occasion or instance in which there is the potential for imminent harm to the public's health, safety, or property, or where the city has the ability to lessen or avert the threat of catastrophe. ~~The regularity or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and city clerk is present, or where written waiver of call and consent in writing is filed, shall not be questioned on account of any omission or irregularity in calling such special meeting.~~

Section 3.15 – Initiative and referendum; petition for proposed ordinance.

Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Fort Lauderdale, Florida," then in effect, may be initiated, submitted and enacted in the following manner:

(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, or the salaries or benefits of elected officials, city officers, or employees. 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, changing the actual list of permitted, conditional, or prohibited uses within a zoning category.
- (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, changing the actual list of permitted, conditional, or prohibited uses within a zoning category.



Section 3.15 – Initiative and referendum; petition for proposed ordinance.

- (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.
- (ac) ~~A The committee Committee of not less than one thousand (1,000) electors of the city shall prepare and sign a petition addressed to the City Commission of the City of Fort Lauderdale requesting that a submit the proposed ordinance or the citation of the ordinance to be reconsidered, together with a proposed petition on a form provided by the city (“Petition”), to the city attorney, who shall have thirty (30) days from receipt to find whether the proposed ordinance and the proposed petition are legally sufficient attached to the petition be enacted. Each signer of the petition must be an elector of the city and shall sign his or her name in ink and shall indicate his or her place of residence and voting precinct. The petition shall have attached the certificate of the supervisor of elections indicating whether each of the signers is a qualified elector of the city. Thereafter, such signers shall be referred to as the committee, and one (1) member shall be designated therein as chairman of the committee. The committee shall have the right to request In the event the city attorney finds that the, in writing, to assist in the drafting of such proposed ordinance or the proposed petition is, or both, are legally insufficient, in proper form, and such the city~~



Section 3.15 – Initiative and referendum; petition for proposed ordinance.

attorney shall inform the Committee of the circumstances of the level insufficiency, and the Committee shall have draft the proposed ordinance in proper form within thirty (30) days from receipt of the city attorney's notice of legal insufficiency with which to redraft and resubmit the proposed ordinance or the proposed petition or both to the city attorney after being requested to do so by said committee in writing. He or she shall append to the drafted form of ordinance his or her opinion as to the legality of such proposed ordinance. The city attorney shall have thirty (30) days from receipt of the redrafted proposed ordinance or proposed petition or both within which to find the redrafted proposed ordinance or proposed petition or both legally sufficient or legally insufficient.

(d) Following a finding by the city attorney that the proposed ordinance and Petition are legally sufficient, the city clerk may, at the Committee's request and expense, issue the appropriate Petition blanks to the Committee.



Section 3.15 – Initiative and referendum; petition for proposed ordinance.

(e) Petitions.

- (i) Number of signatures. Initiative Petitions must be signed by at least one (1) percent of the total number of electors registered to vote at the city’s last regular municipal election. Referendum Petitions must be signed by at least one (1) percent of the total number of electors registered to vote at the last regular city election.
- (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 (collectively, “Compliant Signature”). Throughout circulation, Petitions shall contain or have attached the full text of the ordinance proposed or sought to be reconsidered.
- (iii) Qualifying deadline. Petitions must be filed with the city clerk or the city clerk’s designee within 180 days of the date of the city attorney’s finding that the proposed ordinance and Petition are legally sufficient.



Section 3.15 – Initiative and referendum; petition for proposed ordinance.

(f) Procedure for filing of Petitions.

- (i) Certificate of Supervisor of Elections. Upon the Committee’s payment to the Broward County Supervisor of Elections (“Supervisor”) of the cost of signature verification established by the Supervisor (“Supervisor Verification Cost”), the Supervisor shall complete a certificate as to compliance with the provision of subsection (e) of this Section (“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 Compliant Signatures may be supplemented by the filing of additional Compliant Signatures within fifteen (15) days from the date of the Certificate (“Supplementary Petition”) and upon the Committee’s payment to the Supervisor of any additional Signature Verification Cost. The Supervisor shall complete a Certificate as to the sufficiency of the Petition as amended by the Supplementary Petition (“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.



Section 3.15 – Initiative and referendum; petition for proposed ordinance.

- (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.
- ~~(b) Such signed petition and proposed ordinance and the opinion of the city attorney shall be presented by the committee to the city commission at a regular meeting, after sixty (60) days prior notice to the city manager that such matter will be presented at such meeting. An opportunity shall be given for proponents and opponents of the proposed ordinance to be heard. At such meetings the city commission shall take definite action upon the ordinance by rejecting same, failing to take action upon same, passing same in prepared form upon first reading or passing same in amended form upon first reading. If passed on first reading in an amended form, the chairman of the committee shall state in open meeting whether the committee accepts or rejects the ordinance, as amended, and the decision of the chairman shall be binding upon the committee. If the committee accepts the amended ordinance, as aforesaid, or if the city commission accepts the proposed ordinance, same shall be placed upon its first reading at such meeting, upon the second reading at the next regular meeting. If the proposed ordinance is passed upon first reading, or if the proposed ordinance is amended and passed upon first reading, and such~~



Section 3.15 – Initiative and referendum; petition for proposed ordinance.

~~amended ordinance is accepted and approved by the chairman of the committee, it shall be the duty of the city commission to pass such ordinance, and to continue reading such ordinance upon progressive readings at each regular meeting of the city commission until such ordinance is duly enacted.~~

(eg) ~~If the city commission should:~~ Action on Petitions.

(4i) ~~Reject the proposed ordinance; or~~ Action by city commission. Upon receipt of a Certificate determining a Petition is 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 forty-five (45) days or fails to repeal the referred ordinance within thirty (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.



Section 3.15 – Initiative and referendum; petition for proposed ordinance.

- (2ii) ~~Fail to take action upon said proposed ordinance; or~~ 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 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.
- (3iii) ~~Pass the ordinance in an amended form not acceptable to the committee; or~~ Withdrawal of petitions. A Petition may be withdrawn at any time prior to the fifteenth (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.
- (4) ~~Fail to pass the proposed ordinance upon first and second reading; or~~
- (5) ~~Fail to pass an amended ordinance, acceptable to the committee, upon successive meetings; or~~



Section 3.15 – Initiative and referendum; petition for proposed ordinance.

~~(6) Do any act to delay passage of such ordinance; the chairman of the committee shall have the right to demand in writing that an election upon the matter of enactment of the proposed ordinance, or amended ordinance which has been accepted or approved by the committee, be held in the manner provided in section 3.18 of this charter, and at such meetings at which such demand in writing is presented, the said city commission shall take action either calling such election or refusing to call such election, and the failure to call such election shall constitute a refusal.~~

(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 qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.



~~Section 3.16 – Circulating petition for an election.~~

~~After a demand for an election has been refused, as hereinbefore set out, the committee shall have the right to circulate petitions to obtain the signatures of registered electors of the city, equal in number to fifteen (15) percent of the qualified electors of the city, in order to compel the enactment of such ordinance or amended ordinance in the following manner:~~

- ~~(a) Within ten (10) days after the demand for an election has been refused by the city commission, the clerk shall prepare a form of petition addressed to the city commission demanding that an election be called in the manner provided by section 3.18 of this charter in order that there may be submitted to the qualified electors of the city at such election the question of enactment by initiative proceedings of the proposed ordinance or amended ordinance. Such petition shall clearly outline the action sought and shall contain a copy of the ordinance proposed for enactment by the committee and shall contain spaces for signatures for electors and a form of affidavit for circulators to sign. All petitions shall be uniform in character and shall contain the names of each of the members of the committee of the petitioners, and designate the chairman thereof.~~
- ~~(b) The chairman of the committee shall sign a receipt for the form of petition and shall return all signed petitions to the clerk within sixty (60) days from the date of said receipt.~~



~~Section 3.16 – Circulating petition for an election.~~

- ~~(c) Each elector of the city signing a petition shall sign his or her name as registered in the office of supervisor of elections of Broward County, Florida, in ink or indelible pencil, shall specify his or her voting precinct and shall place on the petition opposite his or her name the date he or she signed the petition and his or her place of residence in the city. Each counterpart of the petition shall contain appropriate lines for signatures by electors and a form of affidavit to be executed by the circulator thereof, verifying the fact that such circulator saw each person sign the counterpart of the petition, and that each signature appearing thereon is the genuine signature of the person it purports to be, and that such petition was signed in the presence of the affiant on the date indicated.~~
- ~~(d) All counterparts of the petition shall be assembled and filed with the city clerk as one (1) instrument within sixty (60) days after receipt of such petition by the chairman, and when so filed, the clerk shall determine forthwith from the supervisor of elections if such petitions contain the signatures of electors constituting fifteen (15) percent in number of the registered electors of said city, and when such fact has been determined by report from the supervisor of elections, the city clerk shall submit such petitions and such affidavits to the city commission at its next regular meeting.~~



~~Section 3.16 – Circulating petition for an election.~~

- ~~(e) Any elector signing such petition shall have the right to file with the city clerk a demand in writing that his or her name be deleted and stricken from the petition, and upon the filing of such demand the name of such elector shall be stricken by the clerk and not be counted or computed in the total of electors signing the petition. No signature may be stricken after the clerk has certified the total of registered electors to the commission.~~



~~Section 3.17 – Commission required to take action.~~

~~If the certificate of the clerk, so submitted, shows that fifteen (15) percent of the registered electors of the city signed such petition and have not requested that their signatures be stricken or deleted, then it shall be the mandatory duty of the city commission at such meeting at which the clerk's certificate is presented to enact the ordinance in final form, or call an election for the purpose of submitting such proposed ordinance to the votes of the electorate.~~

Section 3.18 – Time of holding election.

If an election is scheduled to be held not less than thirty (30) days and not more than sixty (60) days after such meeting, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the city commission shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than sixty (60) days, nor earlier than thirty (30) days thereafter. At least ten (10) days before any such election the city clerk shall cause such proposed ordinance to be published, in one (1) issue of the official newspaper.

~~Section 3.19 – Ballots.~~

~~Ballots to be used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two (2) propositions "For the proposed Ordinance" and "Against the proposed Ordinance." If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city, and a part of the "Code of Ordinances of the City of Fort Lauderdale," upon canvass of such votes and proper certification.~~

Section 3.20 – Referendum elections.

Any existing ordinance of the City of Fort Lauderdale, or any section or related sections of the "Code of Ordinances of the City of Fort Lauderdale," including ordinances approved by the electorate, may be repealed or amended, and any intended sale or lease of public property may be approved or rejected by a majority of the electors voting at a referendum election, when such matter is submitted to a referendum by the city commission, upon its own motion or as a result of initiative proceedings. In case of initiative proceedings, when the necessary requirements have been met, and proper petitions bearing the signatures of fifteen (15) percent of the registered electors have been filed, the city commission shall pass a resolution calling for a referendum election to be held under the same procedure as provided in section 3.18 and section 3.19 of this charter.

Section 4.06 – ~~Acting city manager upon resignation of or during absence or disability of~~ Designation of interim or acting city manager.

Upon the resignation of ~~or during the absence or disability of~~ the city manager, the city commission may by resolution designate ~~some~~ a properly qualified person, either classified or exempt service, to temporarily ~~execute~~ exercise the functions powers and duties of his or her office the city manager. The person thus designated shall ~~be known as the~~ have the same powers and duties as the city manager, and shall be known while service as "interim city manager."

During the absence of the city manager, the city manager may designate a deputy city manager, assistant city manager, or department director to temporarily exercise the powers and duties of the city manager. The person thus designated shall be known as "acting city manager."

Section 4.08 – Removal or discharge.

The city manager may be removed or discharged by resolution of the city commission at any time. In such resolution the commission shall designate an acting interim city manager to serve in the place of the removed city manager, and the removed city manager shall vacate the office upon adoption of the resolution. Within five (5) days after the adoption of resolution removing or discharging him or her, such removed city manager shall have the right to have served upon him or her written statement of specific reasons for his or her discharge, if he or she so desires, by filing a demand for same with the city clerk, and leaving sufficient copies with the city clerk for service upon members of the city commission. Such written statement of specific reasons, signed by a majority of the city commission shall be delivered to such removed officer within five (5) days after service of such demand as aforesaid, and a definite time and date fixed in such written statement for a public hearing before the commission within not less than five (5) days and not more than ten (10) days after the service of such written statement. At the time and place specified the city commission shall convene as a body at a special meeting for the purpose of conducting a public hearing upon such charges. The removed city manager shall have the right to appear at such hearing to answer and rebut such charges or reasons, and he or she shall have the right to be represented by his or her own private counsel. At the conclusion of such hearing the commission shall adopt a resolution confirming such removal or reinstating such removed city manager. If reinstated he or she shall receive full pay for the period intervening between his or her removal and reinstatement.

An acting interim city manager may be removed at any time by resolution of the city commission, and such removed person shall not be entitled to a public hearing upon such removal.

Section 6.02 – Classified and nonclassified service.

All offices and positions of the city shall either be in the nonclassified service or in the classified service. The city manager and deputy city manager, city attorney and deputy city attorney, city clerk and city auditor shall be appointed by resolution of the city commission. Assistant city attorneys shall be appointed by the city attorney. Commission assistants shall be appointed by the City Commission. Assistant city clerks shall be appointed by the city clerk and assistant city auditors shall be appointed by the city auditor. All other nonclassified personnel shall be appointed by the city manager, who shall be empowered to execute employment contracts with such employees. The duration of such employment contracts shall not exceed two (2) years, and the pay provisions shall be in conformance with the salary range established in the city's pay ordinance. All positions in the classified service shall be filled in accordance with personnel rules and regulations; provided, however, that all positions in the classified service which, once filled, are subject to the provisions of any collective bargaining agreement shall be exempt from the applicability of such personnel rules and regulations. Positions in the nonclassified service shall be filled on the basis of relative ability, knowledge and skill. Such employees shall be entitled to fair and equitable compensation, with incentives and recognition for excellent performance. The nonclassified service shall include the following positions and levels:



Section 6.02 – Classified and nonclassified service.

- (a) The city manager and/or ~~acting~~ interim city manager.
- (b) Deputy city manager and deputy city attorney.
- (c) Assistant city managers.
- (d) Administrative assistants to the city manager.
- (e) The city attorney and assistant city attorneys.
- (f) All management category I positions.
- (g) City clerk and assistant city clerks.
- (h) Commission assistants.
- (i) City auditor and assistant city auditors.



Section 6.02 – Classified and nonclassified service.

Nonclassified personnel may not be assigned the duties of a vacant classified position except in accordance with personnel rules and regulations.

The classified service shall include all positions in the city's service, except those specifically placed in the nonclassified service. All persons in the classified service shall be subject to the civil service rules and regulations; provided, however, that regular employees in the classified service who are subject to a collective bargaining agreement shall not be subject to civil service rules and regulations.

Section 6.04 – Civil service board; created; composed.

- (a) *Purpose of board.* There shall be a civil service board, the members of which shall be residents and electors of the City of Fort Lauderdale, who shall be in sympathy with the application of merit principles in connection with public employment. No member of the board shall hold or be a candidate for any elective public office.
- (b) *Membership; appointment, etc.* The civil service board shall consist of three (3) members, one (1) of whom shall be recommended for appointment by the mayor, with approval of city commission; one (1) of whom shall be recommended for appointment by the city manager; and the third member shall be recommended for appointment by the regular employees of the City of Fort Lauderdale who are in the classified service as of May 31 of the year of the appointment. Each member shall be appointed by resolution for a full term of four (4) years, which resolution shall specify upon whose recommendation the member was appointed, and the expiration of his or her term of office. The present members of the board shall serve until the expiration of their terms of office or until their successors are appointed and qualified. If the office is vacated by death, resignation, removal or other effective cause prior to expiration of the term, the vacancy shall be filled by appointment by the city commission upon recommendation of the proper authority, for the balance of the unexpired term. All regular full terms shall be for a period of four (4) years from the expiration of the preceding term. Recommendations for appointment by the mayor and city manager shall be made to the city commission in writing at least twenty (20) days prior to expiration of the term of the member whose successor it is the duty of such officials, respectively, to recommend for appointment.



Section 6.04 – Civil service board; created; composed.

All regular full terms shall be for a period of four (4) years from the expiration of the preceding term. Recommendations for appointment by the mayor and city manager shall be made to the city commission in writing at least twenty (20) days prior to expiration of the term of the member whose successor it is the duty of such officials, respectively, to recommend for appointment.

Recommendations for appointment by the employees shall be made in the following manner: At least forty (40) days before expiration of the term of the member to be filled upon recommendation of civil service employees, civil service employees shall be notified that for a period of seven (7) days sealed nominations will be received for members of a nominating committee representing the civil service employees. Any regular employee in the classified service shall have the right to nominate any other regular employee in the classified service as a member of such nominating committee. At the expiration of seven (7) days from such notification, ~~a list of all eligible employees so nominated shall be printed and delivered to each employee in the classified service, with instructions to vote for five (5) of the employees so nominated within seven (7) days thereafter.~~ Upon tabulation of ~~the results,~~ the five (5) employees receiving the highest number of ~~votes~~ nominations shall become the nominating committee to nominate up to three (3) candidates for the office to be filled. In instances in which there is a tie in nominations for the nominating committee, the employee(s) with the highest level of overall City seniority shall serve on the nominating committee.



Section 6.04 – Civil service board; created; composed.

For the purposes of this section, overall City seniority shall be defined as an employee's length of continuous service with the City. Upon vote of the regular employees in the classified service, the person receiving the highest number of votes, and otherwise qualified, shall be recommended to the city commission for appointment. The city manager's designee and two (2) ~~city commissioners appointed by the mayor~~ members of the nominating committee shall constitute the election board and shall certify the results to the city commission in writing.

No person shall be eligible to be a member of the civil service board who is an officer or employee of the city or who is serving the city upon an advisory board or in any other capacity (except as a member of the civil service board), nor shall the husband or wife of such a person or other relative (as defined by law) of such a person be eligible for membership.

If, because of lack of sufficient time, or other valid reason, except willful failure to so do, proper nominations are not made before the expiration of a term, the incumbent shall hold over until his or her successor is appointed and qualified, but the term of the new appointee shall run for the balance of the full four-year term only. If, for any reason the mayor, city manager or employees of the city should fail to make their respective recommendations for appointment within sixty (60) days after expiration of a term, the city commission shall appoint a qualified person to membership upon said board, whose term shall run for the balance of the unexpired term only.

Section 6.04 – Civil service board; created; composed.

All members of the board shall file an oath to support and defend the Constitution of the United States and of the State of Florida, and to faithfully perform the duties of the office. The members of the board shall elect one (1) of their members to serve as a chairman for a two-year term.

(c) *Duties of the board.* The board shall:

- (1) Hear appeals as outlined in section 6.04(d).
- (2) Review and consider additional personnel rules or amendments to existing rules that may be recommended for adoption, and approve or disapprove, by motion, these rules.
- ~~(3) Review and consider new class specifications or revisions and amendments to existing class specifications and advise the city manager, by motion, concerning these specifications.~~



Section 6.04 – Civil service board; created; composed.

- (43) Meet at such times and places as shall be required to conduct the business of the board as outlined in paragraphs (1), (2) and (3), above. Time and place of the meeting shall be specified by the call of the chairman of the board or by a majority of the board. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each board member by the secretary of the board. Two (2) members shall constitute a quorum for the transaction of business.
- (d) *Appeals to the board.* Regular employees subject to personnel rules and regulations who are suspended, dismissed or demoted, or who believe the personnel rules have been improperly applied or misinterpreted to their detriment, may appeal to the board within thirty (30) calendar days from the date such action is taken, or from the date an employee by use of reasonable diligence should have become aware of the action causing the appeal, and the board shall hear and take action upon such appeal. Upon such appeal, the appealing employee and the city management staff shall have the right to be heard publicly and to present evidence. At the hearing of such appeal, technical rules of evidence shall not apply. The board shall make the final decision disposing of the appeal. If such final decision is in favor of the employee, the city manager shall reinstate the employee without loss of pay and benefits.



Section 8.01 – Sale of personal property; ~~procedure; public notice.~~

Personal property belonging to the city shall not be sold, except as provided by ordinance ~~where competitive bidding conditions have been maintained. Where the value of the personal property exceeds five thousand dollars (\$5,000.00), same may not be sold except after public notice to bidders by publication. The sale shall be made to the highest and best bidder for cash, and no personal property shall be sold on terms. The provisions of this section shall not apply in instances where depreciated personal property is traded in on new equipment, bought by the city, but in such instances the amount allowed for personal property traded in on new equipment purchased must be definitely specified in the bid.~~

Section 8.02 – Sale or lease of city public lands and of public property to public bodies.

~~The City of Fort Lauderdale is hereby authorized and empowered, upon adoption of a resolution by the affirmative vote of at least four commissioners, to enter into contracts with and to sell, lease, alienate, exchange, give, grant, or otherwise convey to the United States of America or any of its departments or agencies, to the State of Florida or any of its counties, districts, subdivisions, municipalities, or agencies, or to any other public body, any public places or any public property, real or personal, now owned by said the City of Fort Lauderdale or hereafter acquired, or allow any such public body to make improvements on any property owned by the City, to be used by such public body or agency for a public purpose, to wit, an activity that is essential to the health, safety, or general welfare of the City, as determined by the city commission, notwithstanding an incidental benefit to a private party. or make improvements upon public property used for a public purpose, under the following conditions, to-wit:~~

- ~~(a) The city commission shall first adopt a resolution determining and declaring its intention to sell, alienate, give, exchange, grant, or convey certain public property to a designated public body, or make improvement to public property, and such resolution shall particularly describe the public lands, public property, improvements or places intended to be conveyed or improved, the purchase price to be paid, if any, the public purpose for which such land or such property will be used by the grantee, and other details of the sale, and designate a day not less than thirty (30) days after the adoption of such resolution, on which a public hearing will be had before the city commission upon such proposal.~~



Section 8.02 – Sale or lease of city public lands and of public property to public bodies.

- ~~(b) If any public property intended to be sold, alienated, given away, granted or conveyed to any other public body is encumbered by any bonds or obligation for which such property or the revenue derived therefrom is specially pledged, provision must be made in the proposal and plan to simultaneously discharge and pay the obligations for payment of which such lands or revenues derived therefrom are specially pledged.~~
- ~~(c) Such resolution shall be published in full in two (2) issues of a newspaper published in said city with the first publication not less than ten (10) days before such public hearing and the second publication one (1) week after the first publication.~~
- ~~(d) At the time designated for a public hearing, the terms of the proposal and the use of the property shall be explained to the public and opportunity given for citizens and taxpayers to be heard upon such proposal.~~



Section 8.02 – Sale or lease of city public lands and of public property to public bodies.

- ~~(e) At such meetings, or any designated adjourned meeting, the city commission shall pass another resolution either confirming or repealing the resolution previously adopted, or confirming the previous resolution with amendments or additions. If the previous resolution is confirmed in its original form, or with amendments or additions, such confirming resolution shall direct the proper city officials to execute and deliver deed of conveyance under the terms and conditions set out in the resolution as confirmed.~~
- ~~(f) The provisions of this section to the contrary notwithstanding, the city may sell (for fair market value) or trade (for like value) surplus stock of supplies or equipment belonging to the city to another governmental entity by any procedure as may be established under the "Purchasing Ordinance of the City of Fort Lauderdale" [Code ch. 2, art. V, div. 2].~~



Section 8.04 – Sale of real property to private parties ~~persons, firms or corporations.~~

~~Except as provided in Section 8.21, the City of Fort Lauderdale is hereby authorized and empowered to sell any public lands and improvements thereon real property owned by the, title to which is vested in City of Fort Lauderdale, to any private party, or exchange, deed, or convey any real property owned by the City in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, as provided by ordinance and consistent with applicable law, subject to the following, person, firm or corporation (other than a public body) under the following conditions, to-wit:~~

- ~~(a) *Resolution declaring property not needed for public use.* The city commission shall adopt a resolution at a regular meeting of the city commission particularly describing the land by metes and bounds, reference to a recorded plat or government survey, its location by street number, if any there be, a description of all improvements located upon the land, and shall declare how said land has been used since same has belonged to the city, why it is desirable to sell same, and that the city does declare and determine that it is for the best interests of the city that such lands and facilities be sold. The resolution declaring that such lands be sold shall state whether the sale shall be made for cash or terms. Where the value of the land is determined by the city commission to be less than ten thousand dollars (\$10,000.00), the sale shall be for cash.~~

Section 8.04 – Sale of real property to private parties ~~persons, firms or corporations.~~

~~Where the value of the land is determined by the city commission to exceed ten thousand dollars (\$10,000.00), the city commission may sell same for twenty five (25) percent cash and the balance upon terms, with installments due yearly, not exceeding ten (10) years, with interest to be determined by the city commission. The city shall sell, without competitive bidding, to the party making the best offer, but the city may reject any and all offers at any time. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer. In no event shall the sale be for less than seventy five (75) percent of the appraised value of the property as determined by the city commission. The approval of any sale, exchange, or conveyance of improved or unimproved real property shall be pursuant to a resolution containing a finding that such sale, exchange, or conveyance would be in the City's best interest adopted by the affirmative vote of at least four commissioners.~~

- ~~(b) *Notice; offers.* Within seven (7) days after the adoption of the resolution, it shall be published by the city in one (1) issue of the official newspaper. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer.~~



Section 8.04 – Sale of real property to private parties ~~persons, firms or corporations.~~

- ~~(c) Protests. During the period intervening between the adoption of the resolution and the date of sale, taxpayers and registered electors of the city may protest or object to the sale, or propose other public uses for the said property, and the city commission may rescind its former action and repeal the resolution declaring the property should be sold, if it deems same expedient and proper.~~
- ~~(d) Authority to sell; cemetery lots excepted. Subject to the foregoing provisions, City of Fort Lauderdale is hereby empowered to sell and dispose of any lands, improvements, public buildings, recreational parks and other lands now owned or hereafter acquired by said city, and in the deed of conveyance may place such conditions, limitations and restrictions on the use of such property by the purchasers as to the city commission shall seem proper. The above restrictions as to sale of public property shall not apply to sale of municipal cemetery lots, which are subject to rules and regulations governing same.~~
- ~~(e) Resolution accepting offer and authorizing conveyance. At any regular meeting after publication of the resolution as heretofore provided in paragraph (b), the city commission may adopt a resolution accepting the best offer and authorizing the execution of a deed of conveyance; provided that if such property is encumbered by any bonds or obligations for which such property or the revenue derived therefrom is specially pledged, the purchase price must be sufficient to pay and discharge such bonds or obligations according to the terms thereof.~~



Section 8.04 – Sale of real property to private parties ~~persons, firms or corporations.~~

- ~~(f) Notwithstanding the provisions of this section or other provisions of this article City of Fort Lauderdale shall have the right to exchange, deed or convey portions of publicly owned lands, or grant concessions, leases or rights therein to private persons, in consummating a transaction whereby City of Fort Lauderdale acquires property needed in connection with a public improvement or a public use.~~
- ~~(g) The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.~~



~~Section 8.07 – Leases with governmental entities or agencies for governmental purposes.~~

~~The City of Fort Lauderdale is hereby empowered to lease to other governmental entities or agencies for governmental purposes, for periods of not more than fifty (50) years, any property of the city, without the necessity for submitting the same to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine. Any and all such leases previously entered into by the City of Fort Lauderdale are hereby ratified and confirmed.~~

Section 8.09 – Leases, licenses, concessions, and use agreements for more than one year.

The City is hereby empowered to enter into lease agreements, license agreements, concession agreements, facility use agreements, or other types of use agreements with private parties, (each is an “Agreement”), for the use of any improved or unimproved real property, including air space over such real property, owned by the City, and not needed for City purposes, or in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, for periods (each, including any renewals and extensions, is a “term”), as follows:

- (a) Any Agreement for a term exceeding one year but not more than three years shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners.
- (b) Any Agreement for a term exceeding three years but not more than ten years shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners containing a finding, based on a fair market value analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the City at the private party’s expense, that such use of the property would be in the City’s best interest.

Section 8.09 – Leases, licenses, concessions, and use agreements for more than one year.

- (c) Any Agreement for a term exceeding ten years but not more than fifty years shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners containing a finding, based on a fair market value analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the City at the private party's expense, that such use of the property would be in the City's best interest. In addition, included in the city commission's consideration of the Agreement shall be the consideration of a business viability report prepared by a qualified independent consultant hired by the City at the private party's expense.
- (d) Any Agreement for a term exceeding fifty years shall be pursuant to a resolution adopted by the unanimous affirmative vote of the entire city commission containing a finding, based on a fair market value analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the City at the private party's expense, that such use of the property would be in the City's best interest. In addition, included in the city commission's consideration of the Agreement shall be the consideration of a business viability report prepared by a qualified independent consultant hired by the City at the private party's expense.

Each Agreement shall contain a provision that the Agreement may not be assigned except upon the affirmative vote of at least four commissioners.



Section 8.21 – Disposing of ~~public park~~ property.

~~The right of the city to sell, exchange, lease, franchise or deed public property, under the methods and procedures provided in this article, shall not be limited, restricted or abridged on account of the method, source or means by which such property was acquired, the source from which funds were obtained to acquire such property, the use to which this property has been devoted or is presently devoted, or whether such property is used and operated in a governmental or proprietary capacity.~~

~~Notwithstanding anything to the contrary in this Charter, the city shall not sell, or transfer, or lease for more than one (1) year, any land zoned park Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations shall not:~~

- ~~(a) be sold or transferred except as approved in a referendum at a special election called pursuant to Section 7.11; or without a unanimous vote of the entire city commission. Additionally, any land zoned park on November 10, 2004, shall require a unanimous vote of the entire city commission to remove such designation.~~

Section 8.21 – Disposing of ~~public~~ park property.

(b) be made subject to any lease, license agreement, concession agreement, facility use agreement, or other type of use agreement, for more than one (1) year without a unanimous vote of the entire city commission.

Any land zoned Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations on or after [EFFECTIVE DATE OF AMENDMENT], shall require a unanimous vote of the entire city commission to remove such designation.



Section 7.16 – Election; tie vote; ~~primary election to fill one vacancy.~~

At the each regular or special municipal election, the candidates for each office who shall receives the greatest number of votes for that office at such regular or special municipal election, shall be declared elected. A tie between two (2) candidates for the office of mayor or city commissioner shall be decided by lot to be conducted by the city attorney. ~~If in a municipal primary election a candidate shall receive a majority of valid votes cast for that office, such candidate shall be declared elected without the holding of a regular municipal election.~~

~~Section 10.03 – Public hearings and public notice.~~

~~Unless otherwise specified herein a notice of public hearing before the city commission, a notice for invitation for bids, a notice to materialmen, and other types of notice required to be published, shall be published once a week for two (2) consecutive weeks in the official newspaper of the city, with the first publication at least twelve (12) days before date of such public hearing or time for filing bids, and second publication seven (7) days after the first publication. Provided, however, that the giving of notice in connection with the purchase of supplies, equipment and material needed in connection with the ordinary operation of the city, and not primarily used in connection with new public construction, shall be governed by the requirements pertaining to the department of purchases as provided in the "Code of Ordinances of City of Fort Lauderdale."~~

Thank You



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