

ARTICLE III. - GOVERNMENT OF CITY AND FORM OF GOVERNMENT

Sec. 3.01. - Commissioner-manager plan.

The form of government of City of Fort Lauderdale, provided for under the charter, shall be known as the "commissioner-manager plan." The city manager shall be the administrative head of the city, answerable to the city commission.

Sec. 3.02. - Creation, composition and term of commission.

There is hereby created a city commission composed of one (1) mayor and four (4) city commissioners all of whom shall be elected in the manner provided in this charter, shall take office on the first regular meeting day in December following their election, and who, beginning in the year 2020, shall hold office for a term of four (4) years, or until their successors are elected and qualified. The term of the mayor and four (4) city commissioners that commenced in the year 2018 shall last until such time as their successors are elected and qualified as a result of the 2020 election. No person who has been elected to the office of mayor or to the office of city commissioner for three (3) consecutive terms shall be qualified for nomination or election to that office for the succeeding term. This limitation shall apply to terms which commence after the regular election of March 7, 2000. The mayor and the four (4) city commissioners are sometimes referred to herein as commissioners or the city commission.

(Ord. No. C-86-77, § 1, 9-16-86; Ord. No. C-98-47, § 1, 9-1-98/11-3-98; Ord. No. C-18-46, § 1, 1-22-19; Ord. No. C-18-47, § 1, 1-22-19; Ord. No. C-20-44, § 1, 12-2-20)

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

To be eligible to hold the office of mayor of the City of Fort Lauderdale, or to qualify for nomination or election as such, the candidate shall have resided in the City of Fort Lauderdale for six (6) months immediately preceding the date of the election, shall continuously reside in the City of Fort Lauderdale, and shall be a resident of the State of Florida and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving any capacity with the city government, except that a city commissioner serving may qualify for election to the office of mayor. Candidates for nomination or election as mayor shall comply with all the rules and regulations set out in the 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.

To be eligible to hold the office of city commissioner of the City of Fort Lauderdale, or to qualify for nomination or election as such, the candidate shall have resided in the City of Fort Lauderdale for six (6) months immediately preceding the date of the election, and shall reside in the commission district from which he or she seeks election on the day he or she qualifies as a candidate for that office, shall continuously reside in that district and shall be a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; and shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving in any capacity with the city government, except that a city commissioner serving may qualify for reelection. Candidates for nomination or election for the office of city commissioner shall comply with all the rules and regulations set out in the charter as to their conduct. Any candidate for city commission or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

(Ord. No. C-86-77, § 2, 9-16-86; Ord. No. C-18-47, §§ 2, 17, 1-22-19)

Sec. 3.04. - Judge of elections and qualifications of members.

The city commission shall be the judge of 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.

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 3.05. - Designation of vice-mayor.

- (a) At its first meeting after 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.

(Ord. No. C-86-77, § 3, 9-16-86)

Sec. 3.06. - Powers vested in commission; limitations.

The legislative powers of the city shall be vested in and exercised by the city commission, and the commission shall have the power to pass ordinances, adopt resolutions, appoint by resolution all appointive officers, boards and those employees specified in this charter as being appointed by the city commission, and exercise all other powers herein provided. All powers of the City of Fort Lauderdale, except as otherwise provided by this charter or by the Constitution of the State of Florida, are hereby vested in the city commission; and except as otherwise provided by this charter or by the Constitution of the State of Florida, the city commission may by ordinance or resolution prescribe the manner in which any powers of the city shall be exercised.

Sec. 3.07. - Not to direct appointment of employees.

Neither the city commission nor any of its members shall direct the appointment of any person to office or employment by the city manager, or in any manner prevent the city manager from using his or her own judgment in selecting those officers or employees which he or she is entitled to appoint or select under provisions of this charter, and the civil service system rules and regulations. Except for the purpose of inquiry, the commission and its members shall deal with the administrative service solely through the city manager, and neither the commission nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Nothing herein contained shall restrict the power of the commission at regular or special meetings by formal motion, resolution or ordinance to establish policies and require compliance therewith by all personnel in the service of the city.

(Ord. No. C-85-40, § 1, 5-7-85; Ord. No. C-18-47, § 17, 1-22-19)

Sec. 3.08. - Forfeiture of office.

Absence by any commissioner from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless 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.

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 3.09. - Organization meeting.

On the first regular meeting day in December following each regular election the existing city commission 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 newly elected commissioners. At 11:00 a.m. Eastern Standard Time the newly elected city commissioners shall assume the duties of office.

(Ord. No. C-18-46, § 2, 1-22-19; Ord. No. C-20-44, § 2, 12-2-20)

Sec. 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.

(Ord. No. C-18-46, § 3, 1-22-19)

Sec. 3.11. - Regular meetings.

The city commission shall meet regularly at such times as may be specified by ordinance; provided, however, that it shall meet regularly not less than twice each month except that meetings may be eliminated for one (1) month each year to provide for vacations.

Sec. 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 to each member, the city manager, city auditor, city clerk, and city attorney, served personally, transmitted by e-mail, or left at his or her usual place of residence. The call notice shall state the general purpose of the meeting. 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.

(Ord. No. C-18-47, §§ 3, 17, 1-22-19)

Sec. 3.13. - Meeting place; meetings to be public.

All regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission; but a special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meetings. Meetings of the city commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its own rules, regulations and order of business, and shall keep minutes of its proceedings. The mayor shall maintain order at all meetings, and the police department, upon instructions of the mayor, shall expel any person from the meeting who refuses to

obey the order of the mayor in relation to preserving order at the meetings. The commission may meet in conference session at a place other than the regular meeting place, but no official action shall be taken at such conference meeting.

Sec. 3.14. - Quorum and vote.

A majority of all members of the city commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The vote on any ordinance or resolution shall be taken by "yeas" and "nays" and the vote of each member of the city commission voting shall be entered on the official record of the meeting.

Sec. 3.15. - Initiative; 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) A 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 proposed ordinance 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 the city attorney, in writing, to assist in the drafting of such proposed ordinance in proper form, and such city attorney shall draft the proposed ordinance in proper form within thirty (30) days 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.
- (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 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.

(c) If the city commission should:

- (1) Reject the proposed ordinance; or
- (2) Fail to take action upon said proposed ordinance; or
- (3) Pass the ordinance in an amended form not acceptable to the committee; or
- (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
- (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.

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 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.
- (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.
- (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.

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 3.21. - Recall.

Any or all of the members of the city commission may be removed from office by the electors of the city in the manner provided for by general law.

Sec. 3.22. - Offenses relating to petitions.

No person shall falsely impersonate another, or purposely write his or her name or residence falsely, in the signing of any petition for initiative, referendum or recall, or forge any name thereto, or sign any such paper with knowledge that he or she is not a qualified elector of the city. No person shall employ or pay

another to accept employment or payment for circulating an initiative, referendum or recall petition. Any person violating any of the provisions of this section shall be deemed guilty of an offense and shall, upon conviction, be punished as provided by section 1-6 of the Code of Ordinances.

(Ord. No. C-18-47, § 17, 1-22-19)