

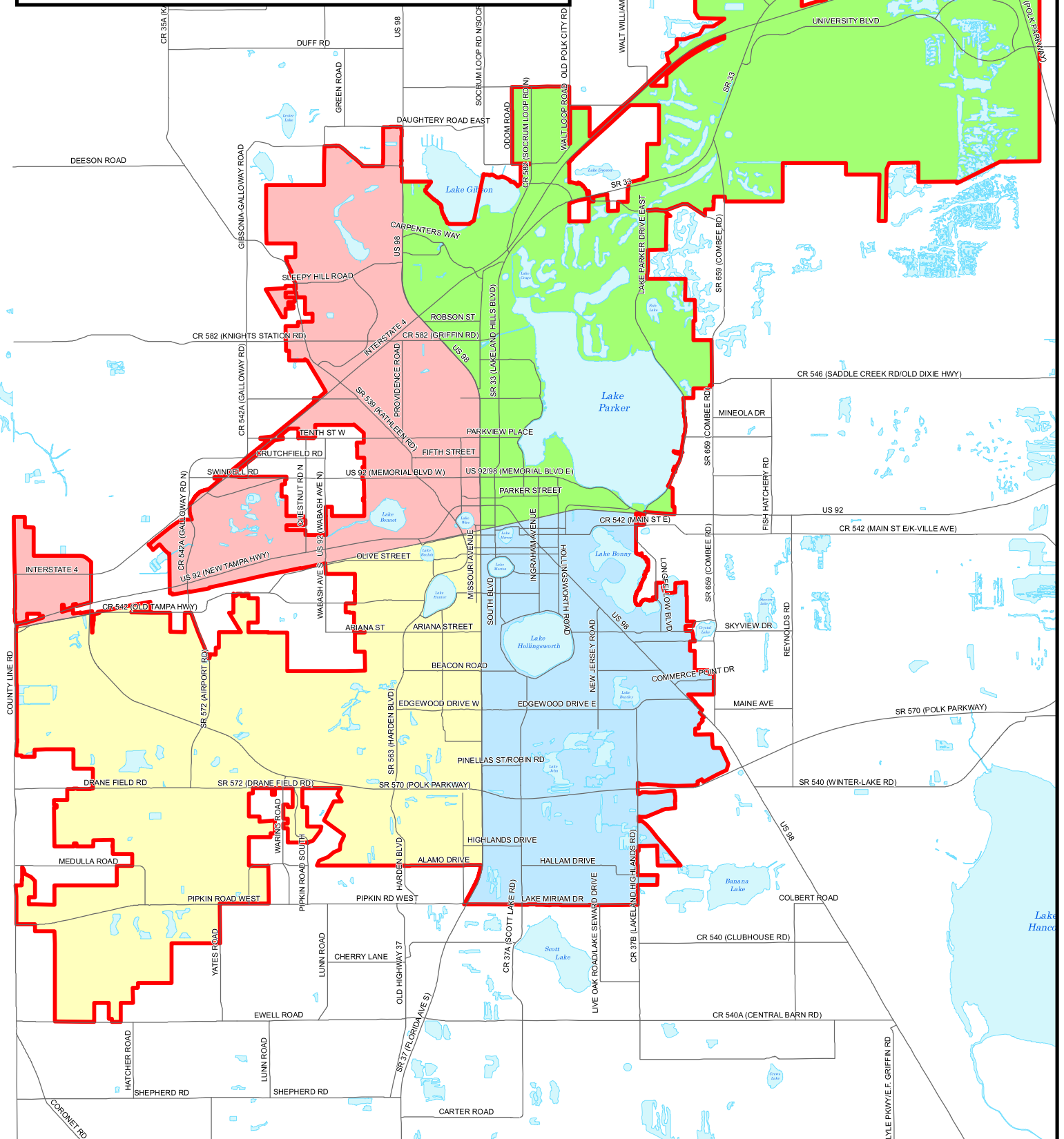
LAKELAND CANDIDATE HANDBOOK

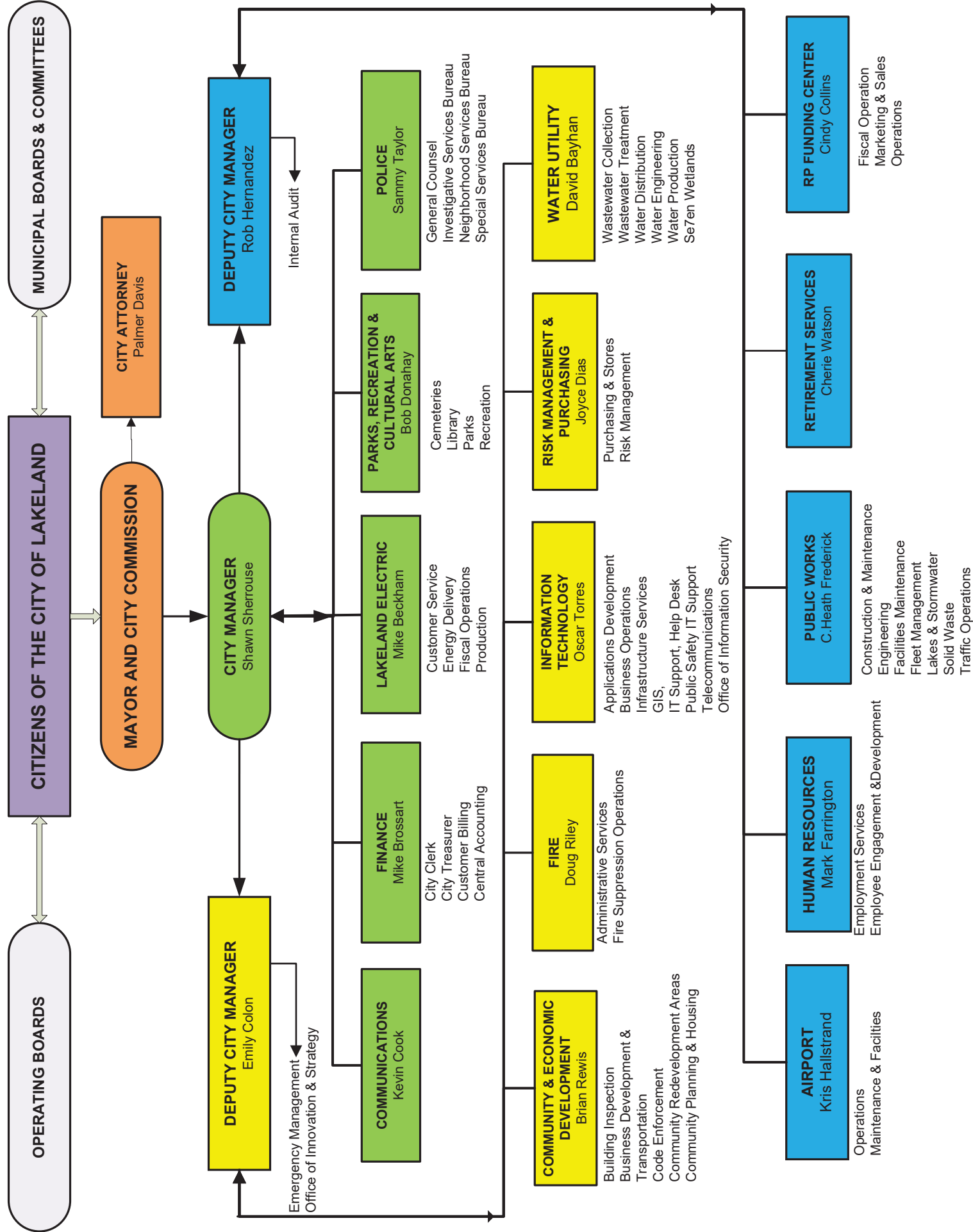


City of Lakeland Commissioners Districts

- District A - NW Guy LaLonde, Jr. -thru 12/31/2027
- District B - NE Bill Read -thru 12/31/2027
- District C - SW Sara Roberts McCarley -thru 12/31/2025
- District D - SE Mike Musick -thru 12/31/2025
- At Large

Mayor - Bill Mutz -thru 12/31/2025
 Seat 1 - Stephanie Madden -thru 12/31/2025
 Seat 2 - Chad McLeod -thru 12/31/2027





INTERPRETATION OF FLORIDA LAW

It is not the responsibility of this office to interpret Florida statutes contained within Florida law. For any interpretation or legal opinion, you may want to contact:

DIVISION OF ELECTIONS
ROOM 316 R.A. GRAY BLDG.
500 SOUTH BRONOUGH ST.
TALLAHASSEE, FL 32399-0250
PHONE: (850) 245-6200

NOTICE

Please be advised this information booklet does not cover every law in Florida statutes. This booklet is an overview of questions frequently asked about campaigns. It is not intended as a complete digest of the election laws. It is your responsibility to read the election code and observe all requirements therein. If you have a question about your campaign, always refer to the Florida statutes or handbook. If you do not find the answer in the Florida statutes or handbook, you should contact the qualifying officer.

Remember all material is subject to change by the Florida legislature.

What Is a Nonpartisan Election?

In a nonpartisan election, those running for the particular position do not formally declare their political party nor can they. It is not uncommon for the nominees running to express their opinions; this can help others deduce the nominees' political affiliation without them breaking the rules and coming out with it. People who support this system say political parties are not important when providing a service. Others say without officially declaring political parties, elected officials are more likely to work together for the group. **THE CITY OF LAKE LAND ELECTIONS ARE NONPARTISAN.**

Reference: www.nlc.org

2025 MUNICIPAL ELECTION DATES

Commissioner Seats Up for Election:

Mayor: At Large
At Large: Seat 1
District C Southwest
District D Southeast

General November 4, 2025

Run-Off December 2, 2025

Qualifying

City of Lakeland Qualifying is **Noon, September 15 – Noon, September 19, 2025**. The Qualifying Fee shall consist of \$250 and 1% of the position's annual salary (\$334.55 for Commissioner and \$501.82 for Mayor) for a total of \$584.55 for Commissioner and \$751.82 for Mayor.

(Charter Sec. 86)

Forms Required Before Accepting/Spending Contributions:

1. Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (DS-DE 9)
2. Statement of Candidate (DS-DE 84) - This form must be filed within 10 days of filing the DS-DE 9.
3. Lakeland Application & Acknowledgement of Electronic Filing Information
4. Candidates Pledge – This pledge is optional. Should you choose to participate, now is the time to file.

Forms Required During the Week of Qualifying

1. Candidate Oath
2. Statement of Financial Interests Proof of Filing (2024)
3. Copy of Voter Registration Card
4. One of the following:
 - a. Florida Driver's License
 - b. Homestead Exemption Documentation
 - c. Passport
 - d. Residential property lease
 - e. Utility bills indicating sufficient level of usage consistent with an actual residence
 - f. Such other justification as a candidate may wish to submit
5. Check written from the campaign depository for the qualifying fee. Indicate Qualifying Fee in the memo portion of the check.

(F.S. 99.093)

Filing Campaign Treasurer's Reports

Reports shall be filed on the 1st business day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 1st day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day, which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter, which have not otherwise been reported pursuant to this section. ...including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before ...the general election.

(Section 106.07, F.S. and SB 7050)

Reporting Schedule

Due Dates	Report Code	Period Covered
April 10, 2025 (Thursday)	Q1	01/01/2025 – 03/31/2025
July 10, 2025 (Thursday)	Q2	04/01/2025 – 06/30/2025
October 10, 2025 (Friday)	G1	07/01/2025 – 10/03/2025 25 th Day Before General
October 24, 2025 (Friday)	G2	10/04/2025 – 10/17/2025 11 th Day Before General
October 31, 2025 (Friday)	G3	10/18/2025 – 10/30/2025 4 th Day Before General
November 7, 2025 (Friday)	R1	10/31/2025 – 11/06/2025 25 th Day Before Runoff
November 21, 2025 (Friday)	R2	11/07/2025 – 11/20/2025 11 th Day Before Runoff
December 1, 2025 (Monday)	R3	11/21/2025 – 11/27/2025 4 th Day Before Runoff

(F.S. 106.07(1)(b))

Filing Requirements

All reports must be filed through the City's campaign software. Candidates, Treasurers and Deputy Treasurers will register on the website with an individual password. Hard copy reports are no longer accepted.

Candidates are encouraged to keep copies of all checks for ease of reporting.

Waiver of Report

In any reporting period when there has been no activity in the account (no funds expended or received), the filing of the required report may be waived by filing a Waiver of Report form through the City's campaign software.

(Section 106.07(7), F.S.)

Candidate Termination Report

Each candidate shall, within 90 days after having become unopposed, withdrawn his candidacy, been eliminated or elected to office, dispose of funds in his campaign account and file a final report.

(Section 106.141, F.S.)

Termination Report Schedule

Due Dates	Report Code	Period Covered
December 18, 2025 (Thursday) 90 Days after Qualifying	TR-Q	9/1/2025 – 12/17/2025
February 2, 2026 (Monday) 90 Days after General	TR-G	10/31/2025 – 02/01/2026
March 2, 2026 (Monday) 90 Days after Runoff	TR-R	11/28/2025 – 03/01/2026

Deadline for Filing

Reports shall be filed no later than 12 Midnight on the day designated. Any report posted after Midnight will be considered late and subject to a fine.

(Section 106.07(1)(b), F.S.)

Penalty for Late Filing

Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports due October 31, 2025, and December 1, 2025, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

For candidate termination reports, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

(Section 106.07, F.S.)

Filing Officer

Candidate reports shall be filed with the officer before whom the candidate is required by law to qualify.

The city clerk is hereby designated the chief election officer of the city and shall see that all city elections are conducted in a proper and legal manner.

(Section 106.07, F.S. & Sec.30-3, City Charter)

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the filing officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☐ Initial Filing of Form ☐ Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last):
(Please Print or Type Name)

3. Address (include PO Box or Street, City, State, Zip Code):

4. Telephone:

()

5. Candidate's Voter Registration #:

_____ (not required for qualifying purposes)

6. Email Address:

7. Office Sought (include district, circuit, group, or seat #):

8. If a candidate for a nonpartisan office, check the box if applicable:

☐ I intend to run as a Write-In Candidate.

9. If a candidate for partisan office, check the box and fill in the name of the party as applicable: I intend to run as a

☐ Write-In Candidate. ☐ No Party Affiliation Candidate. ☐ _____ Party candidate.

10. I have appointed the following person to act as my: ☐ Campaign Treasurer ☐ Deputy Treasurer

11. Name of Treasurer or Deputy Treasurer:

12. Telephone:

()

13. Email Address:

14. Mailing Address:

15. City:

16. State:

17. Zip Code:

18. I have designated the following bank as my (check appropriate box): ☐ Primary Depository ☐ Secondary Depository

19. Name of Bank:

20. Address:

21. City:

22. County:

23. State:

24. Zip Code:

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR THE APPOINTMENT OF THE CAMPAIGN TREASURER AND DESIGNATION OF THE CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date:

26. Signature of Candidate:

X

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate box)

I, _____ do hereby accept the appointment designated above as:
(Please Print or Type Name)

☐ Campaign Treasurer.

☐ Deputy Treasurer.

28. Date:

29. Signature of Campaign Treasurer or Deputy Treasurer

X

STATEMENT OF CANDIDATE

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

I, _____ ,
candidate for the office of _____ ;
have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X

Signature of Candidate

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

Required to be given to candidate

Optional to be signed and returned

CANDIDATE'S PLEDGE

There are basic principles of civility, honesty, and fair play which every candidate for public office has an obligation to observe and uphold in order that, after fairly conducted campaigns intended to fully inform Lakeland's citizens on municipal issues, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on municipal issues.

THEREFORE, I acknowledge and represent: That I am a resident of the City of Lakeland and of the district if I am running for a district seat; that I am aware that Lakeland's elections are non-partisan and what that requires, and that I am well informed on my obligations as a candidate, and the law applicable thereto. That I will be conscientious and timely in all filings required during the election process and agree to submit full, complete and comprehensive reports as election laws may require. That I believe in the public's right to be fully informed as to my qualifications and views on matters effecting the City of Lakeland city government and shall be honest in forthright in all my public comments, and;

(1) **I SHALL CONDUCT** my campaign openly, honestly and publicly and with civility, discussing only the issues that involve the City of Lakeland, presenting my record and my views on City matters with sincerity and frankness, and only criticizing the record and policies of my opponents that merit this criticism and will do so only in a courteous, respectful, and professional manner.

(2) **I SHALL BECOME KNOWLEDGEABLE** about all aspects of the City of Lakeland operation and government, and commit the time and effort required if I am elected.

(3) **I SHALL NOT USE OR PERMIT** the use of personal attacks, character defamation, whispering campaigns, libel, slander, or any other negative comments on any candidate's private life or the private lives of his or her families.

(4) **I SHALL REFRAIN** from any appeal to negative prejudice based on candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation or other characteristic.

(5) **I SHALL NOT USE OR PERMIT** any dishonest or unethical practice that tends to corrupt or undermine our system of free elections, or that hampers or prevents the full and free expression of the will of the voters, including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(6) **I SHALL NOT** unreasonably pressure or intimidate volunteers for election help or campaign contributions for myself or for any other candidate or from my employees.

(7) **I SHALL** accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(8) **I SHALL DEFEND AND UPHOLD** the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned candidate for election to public office in the City of Lakeland, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Signature

Date

Printed Name

CANDIDATE OATH**NONPARTISAN OFFICE**

(Do not use this form if a Judicial or School Board Candidate)
Check box **only** if you are seeking to qualify as a write-in candidate:

☐ Write-in candidate

OFFICE USE ONLY**Candidate Oath**

Name to appear on ballot: _____

Check box if two last names without hyphen. ☐ (Name cannot be changed after qualifying.)

Check box if name includes nickname. ☐ (For use of a nickname, you must complete the Nickname Affidavit on reverse side.)

I swear or affirm that I am a candidate for the nonpartisan office of _____, _____, _____,
(Office) (District #)
_____, _____; I am a qualified elector of _____ County, Florida.
(Circuit #) (Group or Seat #)

I am a qualified elector under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Statement of Outstanding Fines, Fees, or Penalties

I owe outstanding fines, fees, or penalties, that cumulatively exceed \$250, for ethics or campaign finance violations (s. 99.021(1)(d), F.S.).

YES, I Do _____ **NO, I Do Not** _____

If you do, you must also specify the amount owed and each entity that levied the same on the reverse side.

X

()

Signature of Candidate

Telephone Number

Email Address

Address of Legal Residence

City

State

ZIP Code

STATE OF FLORIDA**COUNTY OF** _____

Sworn to (or affirmed) and subscribed before me by means of

online notarization ☐ OR physical presence ☐

this _____ day of _____, 20____.

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced: _____

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public below:

Phonetic Spelling of Name**11**

Phonetic spelling for the audio ballot (not required for qualifying purposes): Print the name phonetically on the line below as you wish it to be pronounced on the audio ballot as may be used by persons with disabilities (see instructions on page 3 of this form):

Statement of Outstanding Fines, Fees or Penalties

Pursuant to Section 99.021(1)(d), F.S., each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, shall, at the time of subscribing to the oath or affirmation, state in writing whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed \$250 for any violations of s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees under part III of chapter 112, any local ethics ordinance governing standards of conduct and disclosure requirements, or chapter 106.

Amount	Entity

Affidavit of Nickname (Only required if using nickname for the ballot.)

My legal name is _____. I am over the age of eighteen (18) and the contents of this affidavit are true and correct.

My nickname is _____. I am generally known by this nickname or have used it as part of my legal name. I have not created the nickname to mislead voters. My nickname does not imply I am some other person, constitute a political slogan or otherwise associate me with a cause or issue, or that is obscene or profane.

Signature of Candidate: _____

STATE OF FLORIDA

COUNTY OF _____

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public below:

Sworn to (or affirmed) and subscribed before me by means

of online notarization ☐ OR physical presence ☐

this _____ day of _____, 20_____.

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced: _____

DO NOT SUBMIT THIS PAGE TO THE FILING OFFICER

Guide for Designating Phonetic Spelling of Candidate's Name for Audio Ballot

1. Use the tables below.
2. Use upper case for "stressed" syllables. Use lowercase for "unstressed" syllables.
3. Use dashes (-) to separate syllables.
4. Add any notes such as rhyming examples, silent letters, etc.

Vowels			
Stressed Vowel Sounds		Unstressed Vowel Sounds	
EE	(FEET) feet	uh	(SO-fuh) sofa (FING-guhr) finger
I	(FIT) fit		
E	(BED) bed		
A	(KAT) cat (KAD) cad		
AH	(FAH-thur) father (PAHR) par		
AH	(HAHT) hot (TAH-dee) toddy		
UH	(FUHJ) fudge (FLUHD) flood		
UH	(CHUHRCH) church		
AW	(FAWN) fawn	Certain Vowel Sounds with R	
U	(FUL) full	AHR	(PAHR) par
OO	(FOOD) food	ER	(PER) pair
OU	(FOUND) found	IR	(PIR) peer
O	(FO) foe	OR	(POR) pour
EI	(FEIT) fight	OOR	(POOR) poor
AI	(FAIT) fate	UHR	(PUHR) purr
OI	(FOIL) foil		
YOO	(FYOOR-ee-uhs) furious		
Consonants			
B	(BED) bed	R	(RED) red
D	(DET) debt	S	(SET) set
F	(FED) fed	T	(TEN) ten
G	(GET) get	V	(VET) vet
H	(HED) head	Y	(YET) yet
HW	(WHICH) which	W	(WICH) witch
J	(JUHG) jug	CH	(CHUCRCH) church
K	(KAD) cad	SH	(SHEEP) sheep
L	(LAIM) lame	TS	(ITS) its (PITS-feeld) Pittsfield
M	(MAT) mat	TH	(THEI) thigh
N	(NET) net	TH	(THEI) thy
NG	(SING-uhr) singer	ZH	(A-zuhr) azure (VI-zuhhn) vision
P	(PET) pet	Z	(GOODZ) goods(HUH-buhz-tuhn) Hubbardston
Examples of Phonetically Spelled Names			
NAME ON BALLOT		PRONOUNCED AS	
Mishaud		mee-SHO ('d' is silent)	
Jahn		HAHN (rhyme: fawn)	
Beauprez		boo-PRAI (rhyme: hooray)	
Maniscalco		man-uh-SKAL-ko	
Tangipahoa		TAN-ji-pah-HO-uh	
Monte		Mahn-TAI	
Tanya		TAWN-yuh (not TAN)	

DO NOT SUBMIT THIS PAGE TO THE FILING OFFICER

2024 Form 1 - Statement of Financial Interests

General Information

Name: DISCLOSURE FILER

Address: SAMPLE ADDRESS

County: SAMPLE COUNTY

PID SAMPLE

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Disclosure Period

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2024.

Primary Sources of Income

PRIMARY SOURCE OF INCOME (Over \$2,500) (Major sources of income to the reporting person)
(If you have nothing to report, write "none" or "n/a")

Name of Source of Income	Source's Address	Description of the Source's Principal Business Activity

2024 Form 1 - Statement of Financial Interests

Secondary Sources of Income

SECONDARY SOURCES OF INCOME (Major customers, clients, and other sources of income to businesses owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

Real Property

REAL PROPERTY (Land, buildings owned by the reporting person)
(If you have nothing to report, write "none" or "n/a")

Location/Description

Intangible Personal Property

INTANGIBLE PERSONAL PROPERTY (Stocks, bonds, certificates of deposit, etc. over \$10,000)
(If you have nothing to report, write "none" or "n/a")

Type of Intangible	Business Entity to Which the Property Relates

2024 Form 1 - Statement of Financial Interests

Liabilities

LIABILITIES (Major debts valued over \$10,000):
(If you have nothing to report, write "none" or "n/a")

Name of Creditor	Address of Creditor

Interests in Specified Businesses

INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses)
(If you have nothing to report, write "none" or "n/a")

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

2024 Form 1 - Statement of Financial Interests

Signature of Filer

Digitally signed:

Filed with COE:

E-FILING SAMPLE

2024 Form 1 Instructions Statement of Financial Interests

Notice

The annual Statement of Financial Interests is due July 1. If the annual form is not submitted via the electronic filing system created and maintained by the Commission by September 1, an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file also can result in removal from public office or employment. [s. 112.3145, F.S.]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$20,000. [s. 112.317, F.S.]

Instructions for Completing and Filing Form 1 Statement of Financial Interests

WHEN TO FILE: *Initially*, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2024.

WHO MUST FILE FORM 1:

1. Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
2. Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding those required to file full disclosure on Form 6 as well as members of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Career Source Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; board members of Triumph Gulf Coast, Inc; board members of Florida Is For Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.
3. The Commissioner of Education, members of the State Board of Education, the Board of Governors, the local Boards of Trustees and Presidents of state universities, and the Florida Prepaid College Board.
4. Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.
5. Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; community redevelopment agencies; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits, and the Pinellas County Construction Licensing Board.
6. Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
7. Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent;

community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$35,000 for the local governmental unit.

8. Officers and employees of entities serving as chief administrative officer of a political subdivision.
9. Members of governing boards of charter schools operated by a city or other public entity.
10. Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.
11. The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.
12. The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
13. Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
14. The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
15. State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$35,000.
16. The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.
17. Each member of the governing body of a "large-hub commercial service airport," as defined in Section 112.3144(1)(c), Florida Statutes, except for members required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

PUBLIC RECORD: The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

Instructions for Completing Form 1

Primary Sources of Income

[112.3145(3)(b)1, F.S.]

This section is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s). The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded \$2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

If disclosure of a primary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you may write "Legal Client" in each of the disclosure fields without providing any further information.

Examples:

- If you were employed by a company that manufactures computers and received more than \$2,500, list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$2,500, list the name of the firm, its address, and its principal business activity (practice of law).

- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded \$2,500, list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, list each individual company from which you derived more than \$2,500. Do not aggregate all of your investment income.
- If more than \$2,500 of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.
- If more than \$2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

Secondary Sources of Income

[Required by s. 112.3145(3)(b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in "Primary Sources of Income," if it meets the reporting threshold. You will not have anything to report unless, during the disclosure period:

1. You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and,**
2. You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

If disclosure of a secondary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you should disclose the name of the business entity for which your ownership and gross income exceeded the two thresholds above, and then write "Legal Client" in the remaining disclosure fields without providing any further information.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the above thresholds. List each tenant of the mall that provided more than 10% of the partnership's gross income and the tenant's address and principal business activity.

Real Property

[Required by s. 112.3145(3)(b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by its market value for tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

Intangible Personal Property

[Required by s. 112.3145(3)(b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than \$10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment

Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset, not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

Liabilities

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed more than \$10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, then it is not a contingent liability.

Interests in Specified Businesses

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure period an interest in, or held any of certain positions with the types of businesses listed above. You must make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

Training Certification

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, appointed school superintendent, a commissioner of a community redevelopment agency created under Part III, Chapter 163, or an elected local officer of an independent special district, including any person appointed to fill a vacancy on an elected independent special district board, whose service began on or before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

CE FORM 1 - Effective: January 1, 2025

Incorporated by reference in Rules 34-8.001 and 34-8.202, F.A.C

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) _____
Name

(2) _____
Address (number and street)

City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY

(3) ID Number: _____

(4) Check appropriate box(es):

☐ Candidate Office Sought: _____

☐ Political Committee (PC)

☐ Electioneering Communications Org. (ECO)

☐ Party Executive Committee (PTY)

☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From ____ / ____ / ____ To ____ / ____ / ____ Report Type: _____

☐ Original

☐ Amendment

☐ Special Election Report

(6) Contributions This Report

Cash & Checks \$ ____ , ____ , ____ . ____

Loans \$ ____ , ____ , ____ . ____

Total Monetary \$ ____ , ____ , ____ . ____

In-Kind \$ ____ , ____ , ____ . ____

(7) Expenditures This Report

Monetary Expenditures \$ ____ , ____ , ____ . ____

Transfers to Office Account \$ ____ , ____ , ____ . ____

Total Monetary \$ ____ , ____ , ____ . ____

(8) Other Distributions

\$ ____ , ____ , ____ . ____

(9) TOTAL Monetary Contributions To Date

\$ ____ , ____ , ____ . ____

(10) TOTAL Monetary Expenditures To Date

\$ ____ , ____ , ____ . ____

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) _____

☐ Individual (only for IE or electioneering comm.) ☐ Treasurer ☐ Deputy Treasurer

X _____

Signature

(Type name) _____

☐ Candidate ☐ Chairperson (only for PC and PTY)

X _____

Signature

Instructions for Campaign Treasurer's Report Summary

- (1) **Name:** full name of the candidate, political committee, party executive committee, electioneering communications organization, or individual making an independent expenditure or electioneering communication.
 - (2) **Address:** the full address or post office box, city, state, and zip code.
☐ Check the box if the address has changed since the last report filed.
 - (3) **ID Number:** identification number assigned by the filing officer.
 - (4) **Check the appropriate box(es).**
 - (5) **Report Identifiers**
Cover Period: the dates this report covers (i.e., From 1/1/15 To 1/31/55). **Important:** use the appropriate cover period dates as published by the filing officer.
Report Type: refer to the filing officer's calendar of reporting dates for the correct codes to be used for each reporting period. If report is for a **special election** add "S" in front of the report code (i.e., SG3).
Check one of the appropriate boxes:
☐ Original: first report filed for this reporting period.
☐ Amendment: must summarize only contributions/fund transfers and expenditures/distributions being reported as additions or deletions. Read instructions for sequence numbers and amendment types on the back of Forms DS-DE 13A and 14A.
☐ Special Election Report: **Important:** once a special election report is filed, the entity is required to file all remaining reports due for the special election.
 - (6) **Contributions This Report:**
Cash and Checks: total amount for this reporting period.
Loans: total amount for this reporting period.
Total Monetary: sum of Cash and Checks and Loans.
In-Kind: the fair market value of the in-kind contribution at the time it is given for this reporting period.
 - (7) **Expenditures This Report:**
Monetary Expenditures: total amount of monetary expenditures for this reporting period.
Transfers to Office Account: total amount transferred to an office account by elected candidates only.
Total Monetary: sum of Monetary Expenditures and Transfers to Office Account.
 - (8) **Other Distributions:** the total amount of goods and services contributed to a candidate or other committee by a PC, ECO, or PTY.
 - (9) **TOTAL Monetary Contributions To Date:** the amount of total monetary contributions to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.
 - (10) **TOTAL Monetary Expenditures To Date:** the amount of total monetary expenditures to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.
 - (11) **Type or print the required officer's name and have them sign the report:**
☐ Candidate report: treasurer and candidate must sign.
☐ PC report: treasurer and chairperson must sign.
☐ PTY report: treasurer and chairperson must sign.
☐ ECO report: organization's treasurer must sign.
☐ IE or EC report: individual must sign (this applies when an individual acts alone to make these expenditures)
- AMENDMENT REPORTS:** An amendment report summary should summarize only contributions, expenditures, distributions, & fund transfers being reported as additions or deletions. Read the instructions for the sequence number & amendment type fields on the back of forms DS-DE 13, 14, 14A and 94.

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

23

(1) Name _____ (2) I.D. Number _____

(3) Cover Period ____ / ____ / ____ through ____ / ____ / ____ (4) Page ____ of ____

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

- (1) Candidate's full name or name of the political committee (PC), electioneering communications organizations (ECO) or party executive committee (PTY).
- (2) The identification number assigned by the filing officer.
- (3) Cover period dates (e.g., 1/1/15 through 1/31/15). (See filing officer's reporting dates calendar for appropriate year and cover periods.)
- (4) Page numbers (e.g., 1 of 3).
- (5) Date contribution was RECEIVED (Month/Day/Year).
- (6) **Sequence Number** – Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the filing officer and for reporting amendments.
For example, a M1 report having 75 contributions would use sequence numbers 1 through 75. The next report (M2), comprised of 40 contributions would use sequence numbers 1 through 40. Contributions on amended M1 reports would begin with sequence number 76 and on amended M2 reports would begin with sequence number 41. See the *Amendment Type* instructions below.
- (7) Type full name and address of contributor (including city, state and zip code).
- (8) Enter the type of contributor using one of the following codes:
Occupation of contributor for **contributions over \$100 only**. (If a business, please indicate nature of business.)

I	Individual	
B	Business	(also includes corporations, organizations, groups, etc.)
E	Electioneering Communications Organizations	
F	Political Committee	(federal or state)
P	Political Parties	(includes federal, state and county executive committees)
O	Other	(e.g., candidate surplus funds to party, etc.)
S	Candidate to Self	

- (9) Enter Contribution Type using one of the following codes:
NOTE: Cash includes cash and cashier's checks.

Code	Description
CAS	Cash or Cashier's Check
CHE	Check
COF	Carryover Funds from Previous Campaign
INK	In-Kind
INT	Interest
LOA	Loan
MO	Money Order
MUC	Multiple Uniform Contributions
RCT	Other Receipts
REF	Refund (Negative Amount Only)

- (10) Type the description of any in-kind contribution received.

Candidate's Only – If in-kind contribution is from a party executive committee and is allocable toward the contribution limits, type an "A" in this box. If contribution is not allocable, type an "N".

- (11) **Amendment Type** (required on amended reports) – To add a new (previously unreported) contribution for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.

The sequence number for contributions with amendment type "ADD" will start at one plus the number of contributions in the original report. For example, amending an original M1 report that had 75 contributions means the sequence number of the first contribution having amendment type "ADD" will be 76; the second "ADD" contribution would be 77, etc. When amending an original M2 report that had 40 contributions, the sixth "ADD" contribution would have sequence number 46.

To correct a previously submitted contribution use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the contribution to be corrected. In combination with the report number being amended, this sequence number will identify the contribution to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.

- (12) Type amount of contribution received. **Political Committees ONLY**: Multiple uniform contributions from the same person, aggregating NMT \$250 per calendar year, collected by an organization that is the affiliated sponsor of a PC, may be reported by the PC in an aggregate amount listing the number of contributors together with the amount contributed by each and the total amount contributed during the reporting period. The identity of each person making such uniform contribution must be reported to the filing officer by July 1 of each calendar year, or, in a general election year, NLT the 60th day immediately preceding the primary election.

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name _____

(2) I.D. Number _____

(3) Cover Period ____/____/____ through ____/____/____

(4) Page _____ of _____

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

- (1) Candidate's full name or name of the political committee (PC), electioneering communications organization (ECO), or party executive committee (PTY).
- (2) Identification number assigned by the filing officer.
- (3) Cover period dates (01/01/15 through 01/31/15). (See filing officer's reporting dates calendar for appropriate cover periods.)
- (4) Page numbers (e.g., 1 of 3).
- (5) Date of expenditure (Month/Day/Year).
- (6) **Sequence Number** - Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the filing officer and for reporting requirements.

For example, a M1 report having 40 expenditures would use sequence numbers 1 through 40. The next report (M2), comprised of 30 expenditures would use sequence numbers 1 through 30. Expenditures on amended M1 reports would begin with sequence number 41 and on amended M2 reports would begin with sequence number 31. See *Amendment Type* instructions below.
- (7) Full name and address of entity receiving payment (including city, state and zip code).
- (8) Purpose of expenditure (if expenditure is a contribution to a candidate, also type the office sought by the candidate). **PLEASE NOTE:** This column does not apply to candidate expenditures, as candidates cannot contribute to other candidates from campaign funds. However, PCs (supporting candidates) and party executive committees contributing to candidates must report office sought (Section 106.07, F.S.).
- (9) Enter Expenditure Type using one of the following codes:

Code	Description
CAN	Candidate Expense
DIS	Disposition of Funds
DFC	Disposition of Funds to Future Campaign (effective 11/1/13)
DPP	Disposition of Funds to Political Party (effective 11/1/13)
DPV	Disposition of Funds to Petition Verification (effective 11/1/13)
ECC	Electioneering Communication
IEC	Independent Expenditure Regarding a Candidate
IEI	Independent Expenditure Regarding an Issue
MON	Monetary (Not to a Candidate)
PCW	Petty Cash Withdrawn
PCS	Petty Cash Spent
PPD	Pre-paid Distribution
REF	Refund (Negative Amount Only)
RMB	Reimbursements
TOA	Transfer to Office Account (Disposition of Funds)

- (10) **Amendment Type** (required on amended reports) - To add a new (previously unreported) expenditure for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.

The sequence number for expenditures with amendment type "ADD" will start at one plus the number of expenditures in the original report. For example, amending an original M1 reports that had 75 expenditures, means the sequence number of the first expenditure having amendment type "ADD" will be 76; the second "ADD" expenditure would have sequence number 39.

To correct a previously submitted expenditure use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the expenditure to be corrected. In combination with the report number being amended, this sequence number will identify the expenditure to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.

(11) Amount of expenditure.

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

Name

Office Sought

Address

City

State

Zip Code

☐ Candidate☐ Political Committee☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report.☐ Check here if PC has DISBANDED and will no longer file reports.**TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)**☐ QUARTERLY REPORT☐ PRIMARY ELECTION☐ GENERAL ELECTION☐ OTHER REPORT TYPE

Indicate report #

Q _____

Indicate report #

P _____

Indicate report #

G _____

Indicate report type and #
as applicable:

☐ TERMINATION REPORT☐ SPECIAL ELECTION**NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF**

THROUGH

X

Signature

Date

X

Signature

Date

REQUIRED SIGNATURES FOR:**Candidates:**

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:

Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

CONTRIBUTIONS RETURNED**(Section 106.07(4)(c), F.S.)****(PLEASE TYPE)****OFFICE USE ONLY**

This report applies only to contributions received by any candidate, committee, or organization but returned to the contributor before being deposited in the campaign account.

☐ Candidate

☐ Committee or Organization

Full Name: _____

Full Address: _____

Full Name and Address of Contributor:

Amount of Contribution: \$ _____

Date Received: _____

Date Returned: _____

Full Name and Address of Contributor:

Amount of Contribution: \$ _____

Date Received: _____

Date Returned: _____

Full Name and Address of Contributor:

Amount of Contribution: \$ _____

Date Received: _____

Date Returned: _____

Full Name and Address of Contributor:

Amount of Contribution: \$ _____

Date Received: _____

Date Returned: _____

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

Type or Print Name of Candidate, Treasurer or Chairman

X

Signature

Campaign Signs

Any campaign signs found in the right-of-way will be removed and destroyed.

An excerpt from Section 4.9 of the Land Development Code:

j. Temporary Signs

1. Sign types: A temporary sign may be a ground sign or a building sign but may not be illuminated by electricity and must be constructed of rigid materials. Each premises shall be permitted temporary signs as follows:

- c) Temporary non-commercial signs displayed before, during, or after an event or occurrence scheduled to take place at a specific time and place are permitted in all zoning districts and shall be removed within 21 days after the end of the scheduled event or occurrence to which they relate.

Remove Signs By:

After Qualifying – October 10, 2025

After November 4 – November 25, 2025

After December 2 – December 23, 2025

2. Maximum size: Each premises may display temporary signs, the area of which shall not exceed 32 square feet per sign. Temporary non-commercial signs shall not exceed an aggregate sign area of 32 square feet. Real estate signs located in residential districts shall not exceed five square feet in sign area.
3. Maximum height: Temporary signs shall not exceed eight feet in height.

Campaign Account

It has been brought to our attention that some banks require a federal ID# to open campaign accounts.

To get an EIN, apply online at: <https://sa.www4.irs.gov/modiein/individual/index.jsp>

Sample Campaign Check

John Doe Campaign Account State Senate District 3		Date <u>7/2/10</u>	00001
PAY TO THE ORDER OF	<u>XYZ Lumber Company</u>	\$	<u>200.00</u>
<u>Two Hundred and 00/100</u>		DOLLARS	
BANK OF FLORIDA TALLAHASSEE, FL 32323			
FOR	<u>Sign materials</u>	<u>Signature of Campaign Treasurer</u>	
003382558:0326 0075894			

Voter Information Available for Candidates

The Polk County Supervisor of Elections office can provide information to help you with your campaign.

Click on the link below for more information.

<https://www.polkelections.com/Candidates/Voter-Information-Available-for-Candidates>

*Footnotes:**--- (1) ---*

Editor's note— *Printed herein is the Charter of the City of Lakeland, as adopted by Ord. No. 1976, 8-16-76 and subsequently approved by a referendum of the electorate on November 2, 1976. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.*

Sec. 1. - Present municipality abolished.

The present municipal government existing under the name of the City of Lakeland, Polk County, Florida, be and the same is hereby abolished. (It is intended that this provision of the charter of 1959 be preserved in the amended charter of the City of Lakeland, 1976, and the amended charter of the City of Lakeland adopted the 5th day of November, 2019, without having the effect of abolishing the government which exists on the date of adoption of such amended charter.)

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 2. - Title, rights reserved; contracts binding; officers continue to serve; ordinances continue in effect.

The title, rights and ownership of property, uncollected taxes, dues and claims, judgments, decrees and choses in action held or owned by the City of Lakeland, Polk County, Florida, shall pass to and be vested in the municipal corporation organized under this charter to succeed the municipality abolished, and no obligation or contract of the City of Lakeland, including bonds heretofore issued, shall be impaired or void, but shall pass to and be binding upon the new municipality which is hereby organized and created, and all assessments heretofore made are hereby declared to be valid and binding, and all bonds heretofore issued are hereby declared to be valid and binding obligations of the City of Lakeland, officers now holding office shall continue to hold their respective office(s) until their successors are elected and qualified under the provisions of this charter; and all existing ordinances not in conflict with the charter shall continue in effect and be unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 3. - Municipal government created with perpetual succession.

The municipality, and all the inhabitants comprehended within the territorial limits, shall be, and are hereby created and constituted a body corporate and politic under and by the name of the City of Lakeland, and by that name shall have perpetual succession, may hold real estate, personal and mixed property, and dispose of the same for the benefit of the city; and may purchase, lease, receive, acquire by eminent domain and hold property, real and personal, within or beyond the limits of the city to be used for any public municipal purpose that the city commission may deem proper; and may sell, lease or dispose of said property for the benefit of the city to the same extent that natural persons might do.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 4. - Boundaries.

The City Commission may amend the corporate limits from time to time in accordance with applicable laws. The official boundary map shall be maintained by the City Clerk and made available for inspection.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 5. - Form of government.

The form of government of the City of Lakeland provided for under the charter shall be that known as the "commission manager plan." The commission shall constitute the governing body with power as hereinafter provided to pass ordinances, adopt regulations, and appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers hereinafter provided.

Sec. 6. - Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of a commissioner or that of mayor, shall become vacant upon death, resignation, or removal from office in any manner authorized by law or forfeiture of office, such forfeiture to be declared by the remaining members of the commission.
- (b) *Forfeiture of office.* A commissioner or the mayor shall forfeit their office if they lack at any time during their term of office any qualification for the office prescribed by this charter or by law.
- (c) *Filling of vacancies.* A vacancy of the commission or the office of mayor shall be filled by election at the next available regular city election. The commission, by a majority vote of the remaining members, shall choose a successor to serve until the newly elected mayor or commissioner is qualified. If two (2) years or more remain in the term of the vacated seat at the time of the next available regular city election, that seat shall be filled by election for the remainder of the vacated term. If a vacancy occurs in one of the commission seats designated by district, any successor chosen by the commission to fill the vacancy until the next available regular city election shall reside in the district for which the vacancy exists and shall otherwise possess all qualifications

required to serve on the city commission. No individual otherwise precluded by length of previous service from holding the office of city commissioner, or mayor in the case of a vacancy in the office of mayor, may be appointed by the city commission to fill a vacancy in such office.

- (d) *Extraordinary vacancies.* Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members shall, by majority vote, appoint additional members in accordance with the procedures set forth in (c) above until successors are elected at the next available regular city election. In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall call a special election to fill each vacancy, which special election shall be held not sooner than sixty (60) nor more than ninety (90) days following their appointment.

(Ord. No. 5773, Att. A, 11-5-19; Ord. No. 5886, § 2, 8-16-21)

Sec. 7. - Power to borrow money.

The city commission shall have the right to borrow money to pay debts or for any proper and authorized city purpose, and may give a bond or bonds or a note or notes evidencing same which shall be executed by the mayor or the mayor pro tem, after ordinance or resolution by the city commission authorizing same.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 8. - General powers and duties of commission.

- (a) The city commission of the City of Lakeland, as the governing body pursuant to the provisions of Article VIII, Section 2(b) of the Florida Constitution and the provisions of the Municipal Home Rule Powers Act, Florida Statutes 166.011 et seq., has the power to enact any legislation concerning any subject matter upon which the state legislature may act except when expressly prohibited by law and shall have all governmental, corporate and proprietary powers to enable it to conduct municipal functions, and render municipal services, and may exercise any power for municipal purposes, as provided by law, except when expressly prohibited by law.
- (b) All powers of the city, except as otherwise provided by this charter, or by the Florida Constitution, are hereby vested in the city commission; and except as otherwise provided by this charter, or by the Florida Constitution, the city commission may, by ordinance or resolution, prescribe the manner in which any power of the city shall be exercised.
- (c) The city commission shall have authority to provide electric, gas, data/voice transmissions, solid waste, water, wastewater and other municipal service systems within and beyond the corporate limits and to operate, extend or modify the same within or beyond the corporate limits and to

acquire and hold by grant, lease, eminent domain, purchase, conveyance or otherwise lands, easements, rights or privileges corporeal or incorporeal as may be necessary or incident to the full execution and use of this power.

- (d) The City Commission shall have the authority to provide, maintain and support a pension or group insurance plan or both, for the benefit of the employees of the said city.
- (e) The City Commission shall have the authority to acquire by eminent domain any interest in real property, both within and without the corporate limits of the City, for any municipal purpose as provided by law.
- (f) The city commission shall fix the salary or compensation of the city manager and the city attorney by appropriation in the city budget.
- (g) The city commission shall have supervision over lakes or parts of lakes, or other bodies of water, or submerged lands, within its corporate limits, with the right to regulate and restrict the filling of lake shores or lake bottoms as provided by law.
- (h) The members of the city commission shall constitute the trustees of the sinking fund, and as trustees of the sinking fund shall be the trustees of all outstanding bonds and certificates of indebtedness as have been issued or may hereafter be issued from time to time for legally authorized municipal purposes, and shall manage and control the sinking funds created for the liquidation of such bonds subject to the provisions of the general laws of the state and the ordinances of the city with relation to the management of such funds.
- (i) Sale of city owned lands:
 - (1) The city commission, by a majority vote, may sell, gift, or otherwise convey, or offer for sale, gift or otherwise convey in any manner it shall determine, lands the title to which is now vested or which shall become vested in the City of Lakeland, at private sale or, at the option of the city commission, may sell, gift or otherwise convey such lands or any part or parcel thereof at public outcry to the highest cash bidder therefor.
 - (2) The city commission shall by resolution or contract fix the procedure for the sale of such lands either at private sale or public outcry and shall provide in such resolution or contract the terms of the sale and the requirement for publication of notice if same shall be sold at public outcry.
 - (3) The city commission is hereby authorized to exercise any power necessary to implement the provisions of Paragraphs (1) and (2) above, and such authority shall include but not be limited to the following:
 - a. May reserve the right to reject any bids received for lands offered for sale at public outcry.
 - b. Upon the approval of the sale or disposition of any lands by the city commission, the purchaser of such lands shall be entitled to receive a deed of conveyance to said lands; provided, however, that such deed shall not contain any warranty of title.

- c. This section shall not be deemed to require any specific act or procedure by the city commission to convey or dispose of lands owned by the city, but shall authorize the city to dispose of its lands, for the benefit of the city, in the same manner and to the same extent that natural persons might do.
- d. Where the City of Lakeland has by gift, purchase, dedication, condemnation or eminent domain acquired any property, it may lease, sell or dispose of same for the benefit of the city to the same extent that natural persons might do regardless of the manner in which such property was held and regardless of the purpose for which such property was held and regardless of the purpose for which such property was acquired.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 9. - Limitations on powers of city commission.

- (a) Neither the commission nor any of its members, individually or collectively, shall in any manner dictate the appointment or removal of any city administrative officers, department heads or employees whom the city manager or any of the city manager's subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

Except for general inquiries concerning administrative procedures and policies, the commission and its members shall deal with officers and employees of the city who are subject to the direction and supervision of the city manager solely through the city manager, and neither the commission nor any of its members shall give orders to any such officer or employee, either publicly or privately, directly or indirectly. Nothing in the foregoing is to be construed to prohibit individual members of the commission from scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. However, it is the expressed intention hereof that recommendations related to city operations by individual commissioners be made to and through the city manager.

Any violation of a provision of this section by a member of the commission shall constitute grounds for removal from office.

- (b) The City of Lakeland shall not sell, lease or otherwise dispose of any water plant, or all or substantially all of the assets of the electric utility until such sale or lease has previously been authorized by an affirmative vote of two-thirds ($\frac{2}{3}$) of the electors, otherwise qualified to vote in an election duly called for that purpose. For the purpose of this section only, electric utility shall mean those assets used to engage in the business of generating, transmitting, or distributing electrical energy, as well as any related activities authorized by this Charter or applicable law.

(Res. No. 4155, § 1, 11-19-01; Ord. No. 5773, Att. A, 11-5-19)

Sec. 10. - City commission.

The city commission shall consist of seven (7) electors of the city, including the mayor, elected at large, all of whom shall hold office for four (4) years or until their successor takes office. One each of the commissioners shall have been for one (1) year immediately prior to taking office, a resident of that part of said city described as follows:

District A: Being that part of said city bounded on the east by State Road 35 and on the south by the Seaboard Coast Line Railroad tracks, extending westerly and northerly to the city limits line;

District B: That part of said city lying east of State Road 35 and north of Seaboard Coast Line Railroad tracks, extending easterly and northerly to the city limits line;

District C: That part of said city lying south of the Seaboard Coast Line Railroad tracks and west of State Roads 35 and 37 extending westerly and southerly to the city limits line;

District D: That part of the city lying south of Seaboard Coast Line Railroad tracks and east of State Roads 35 and 37 extending easterly and southerly to the city limits line of the City of Lakeland;

and two (2) commissioners shall be elected at large, without regard to the district in which they may reside. The mayor shall likewise be elected at large. The present members of the city commission shall hold office for the terms for which they are respectively elected, unless a vacancy occurs by death, resignation or removal in accordance with the terms of this charter and respective successors to the present commissioners shall take office at the first city commission meeting in January after their election, or as soon thereafter as may be practicable.

(Ord. No. 2340, § 1, 4-5-82, election of 11-2-82; Ord. No. 2599, § 1, 8-6-84, election of 11-6-84; Ord. No. 2976, § 2, 12-21-87, election of 3-8-88; Ord. No. 4486, § 3, 11-17-03; Ord. No. 5773, Att. A, 11-5-19)

Sec. 11. - Qualification of members.

Members of the city commission shall have been residents of the city for one (1) year immediately prior to taking office, and have the qualifications of electors of the city. No one shall serve, more than three (3) complete terms in any combination of the positions of Mayor and Commissioner. Partial terms greater than 2 years shall constitute a complete term for purposes of this section. Elective officers of the city shall not hold any other elective public office, shall not serve as employees of the City of Lakeland during their terms of office and shall not be interested in the profits or emoluments of any contract, work, or service for the city, and any such contract in which any officer or employee is or may become interested shall be void, and so declared by the city commission. Any member ceasing to possess the qualifications for office required by this charter shall forfeit the office.

Members in office upon the effective date of this Section, shall not serve more than twelve (12) consecutive years or three complete terms in the singular position of Mayor or Commissioner or more than sixteen (16) consecutive years, or four (4) complete terms, in any combination of Mayor or Commissioner.

(Ord. No. 3845, § 1, 9-15-97, election of 9-1-98; H.B. 0825, 2005; Ord. No. 5773, Att. A, 11-5-19)

Sec. 12. - Judge of its own election; grounds for forfeiture of office.

The city commission shall be the judge of the election and qualification of its members, subject to review by the courts. Any member of the commission who shall be convicted of any felony during the term of their office shall thereby forfeit their office. Any member charged with conduct constituting grounds for forfeiture of their office as enumerated in this charter or in ordinances of the City of Lakeland shall be entitled to public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city, or otherwise in a manner provided by law, at least one week in advance of the hearing.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 13. - Mayor pro tem.

The city commission shall elect one of its members as mayor pro tem of the city, at the first regular or regular adjourned meeting in January of each year.

(Ord. No. 2976, § 3, 12-21-87, election of 3-8-88)

Sec. 14. - Functions and powers of mayor and mayor pro tem; absence, death, resignation or removal.

- (a) The mayor shall be a member of the commission, shall preside at all meetings of the commission and shall perform such other duties consistent with the office as may be imposed by the commission; and they shall have a voice and a vote in the proceedings of the commission, but no veto power. He or she may use the title of mayor in any case in which the execution of legal instruments or writings or other necessity arising from the general laws of the state so require; but this shall not be considered as conferring the administrative or judicial functions of a mayor under the general laws of the state. He or she shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred by the city commission in pursuance of the provisions of this charter and no others.
- (b) In the absence of the mayor, the mayor pro tem shall have the same powers and duties as the mayor; and in the event of death, resignation or removal of the mayor in accordance with this charter, the mayor pro tem shall become mayor and shall continue in office until the vacancy is

filled in accordance with the provisions of this charter.

(Ord. No. 2976, § 4, 12-21-87, election of 3-3-88; Ord. No. 5773, Att. A, 11-5-19)

Sec. 15. - Meetings.

The city commissioners shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than twice each month.

Sec. 16. - Special meetings, how called; commission rules, etc.

- (a) The mayor, any three (3) members of the city commission, or the city manager, may call special meetings of the commission upon at least three (3) hours' notice to each member, which notice shall announce the purpose of the meeting. All meetings of the city commission and of any committees thereof, shall be open to the public, and any citizen shall have access to the minutes and reports thereof at all reasonable times.
- (b) The commission shall determine its own rules and order of business and keep a journal of its proceedings.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 17. - Absence from meeting.

No commissioner shall be absent from any regular meeting of the commission without an excuse acceptable to the commission. Absence from three (3) consecutive regular meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 18. - Compensation of city commission.

The mayor and city commission shall receive the across the board increase as provided to general employees at the beginning of each fiscal year. The city commission shall fix any salary or compensation of the mayor and the city commissioners in excess of the across the board increase by appropriation in the city budget; provided, however, that before the compensation of the mayor or the other city commissioners may be increased from their respective compensations received in the next preceding budget year, the city commission shall first hold a public hearing upon the matter of the increase, notice of which hearing shall be published in a newspaper of general circulation in the City of Lakeland, or as otherwise provided by law, one time not less than sixty (60) days prior to the hearing. The salary or compensation of the mayor as determined herein shall not be an amount less than one hundred fifty (150) percent of the salary or compensation of a city commissioner.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 19. - Ordinance enactment.

Every proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title. In addition to other requirements of law, each ordinance or resolution shall require the affirmative vote of four (4) members for passage and the passing of all ordinances and resolutions shall be taken by "yeas" and "nays" which shall be recorded in the minutes.

Sec. 20. - City manager—Appointment and removal.

The city commission shall appoint a city manager who shall be chosen solely on the basis of his or her executive and administrative qualifications. The city manager shall receive such salary as may be fixed by the city commission. No city commissioner shall, during the time for which they are elected, be chosen as city manager. The city manager shall be removable for cause by the city commission; and, before the city manager may be removed for cause, as determined by a majority of the city commission, if he or she so demands, shall be given a written statement of the reason for removal and the right to be heard publicly thereon at a meeting of the city commission, prior to the final vote on the question of his or her removal, but pending and during such hearing the city commission may suspend him or her from the duties of the office. The action of the city commission in appointing, suspending or removing the city manager shall be final. It is the intention of this charter to vest all authority and fix all responsibility for such appointment, suspension or removal in the city commission.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 21. - Same—Powers and duties, generally.

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. He or she shall be responsible to the city commission for the proper administration of all affairs of the city and to that end, shall have power and shall be required to:

- (1) Appoint and, when necessary, remove officers and employees of the city except as otherwise provided by law applicable to the city and as otherwise provided by this charter; provided however the city manager may authorize the head of a department to appoint and remove subordinates in such department.
- (2) Prepare an annual budget and submit it to the city commission and be responsible for its administration after adoption.
- (3) Prepare and submit to the city commission as of the end of the fiscal year a complete report on the finances of the city for the preceding year.

- (4) Keep the city commission advised of the financial condition and future needs of the city and make such recommendations as may be advisable.
- (5) Enforce the laws and ordinances of the city.
- (6) Exercise control and direct supervision over all departments and divisions of the municipal government under this charter, including public utilities owned or operated by the city.
- (7) Attend meetings of the city commission, and of its committees, unless otherwise excused, with the right to take part in the discussions but without having a vote.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 22. - Absence of the city manager.

By letter filed with the commission, the manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of the manager during his or her temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his or her disability shall cease.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 23. - Administrative departments.

The city manager may establish such departments and offices as may be required for the efficient operation of the city. At the head of each department there shall be a director who shall have supervision and control of the department subject to the city manager. The city attorney and his or her assistants are excepted from all provisions hereof relative to supervision and control by the city manager, and shall be responsible only to the city commission.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 24. - Purchasing.

The city manager shall be responsible for the purchasing of all supplies, materials and other matters or things necessary for the operation of the affairs of the City of Lakeland, both in its governmental and proprietary capacity. A purchasing department may be created as hereinabove provided, to conduct all purchases and sales of real and personal property which the city manager or city commission may authorize. All sales and conditions of all contracts for the furnishing of work, labor and material shall conform to such regulations as the city manager or city commission may prescribe, but in any case if an amount in excess of that established by ordinance or resolution be involved, opportunity for competition shall be given. This section shall not preclude purchases without opportunity for competition being provided

in cases of emergency where the existence of an emergency and the need for purchasing in the manner chosen are confirmed by the city manager and documented in the appropriate department's files, and shall not apply to purchases which are made from the sole source of supply of such materials or services.

(Ord. No. 3471, § 1, 11-1-93; Ord. No. 5773, Att. A, 11-5-19)

Sec. 25. - City attorney—Appointment; duties, generally.

- (a) The city commission shall appoint a city attorney who shall hold office at the pleasure of the city commission, and who shall act as the legal advisor to, and attorney and counselor for, the municipality and all its officers in matters relating to their official duties.
- (b) The city attorney shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his or her approval or disapproval of the form and correctness thereof.
- (c) The city attorney shall prosecute and defend, for and on behalf of the city, all complaints, suits and controversies in which the city is a party or has a legal interest.
- (d) The city attorney shall furnish the city commission, the city manager, the head of any department, or any officer or board not included in any department, his or her opinion on any question of law relating to their respective powers and duties.
- (e) The city attorney shall maintain an office in the city hall. His or her compensation shall be fixed by the city commission. Should it become necessary for the city attorney, or his or her assistants, in the proper representation of the interests of the city, to go beyond the limits of the City of Lakeland, the city commission may, in its discretion, reimburse him or her for all expenses properly incurred in connection therewith.
- (f) The city attorney shall be a member of the Florida Bar in good standing. The assistants shall be or become members of the Florida Bar in good standing within one year of their appointment.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 26. - Same—Specific duties.

Before any ordinance or resolution shall be submitted to the city commission, it shall first be approved as to its form by the city attorney or an assistant, whose duty it shall be to draft such proposed ordinance or resolution and to render such other service related to such ordinance or resolution as shall be necessary to make the same proper for consideration by the city commission.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 27. - Same—Additional duties.

In addition to the duties especially imposed under the preceding section, he or she shall perform such other professional duties as may be required by ordinance or resolution of the city commission, or as are prescribed for city attorneys under the general law of the state, which are not inconsistent with this charter.

(Ord. No. 5773, Att. A, 11-5-19)

Secs. 28—35. - Reserved.

Editor's note— Ord. No. 2008, § 1, adopted Feb. 7, 1977, specifically amended the charter by repealing §§ 28—35, which had pertained to the municipal court. Said section had been contained in the revised charter, adopted by Ord. No. 1976, 8-16-76, approved by a referendum of the electorate Nov. 2, 1976.

DEPARTMENT OF FINANCE

Sec. 36. - Finance director.

The city manager shall appoint a finance director, who shall appoint an assistant finance director who shall act in the absence of the finance director.

(a) The finance director's duties shall include:

- (1) Invest all funds of the city according to law, and in accordance with policy duly adopted by the city commission.
- (2) Pay out on behalf of the city under the supervision of the city manager by checks or other orders of payment, all payments due from the city, provided that the city commission shall provide by ordinance or resolution, the manner in which all checks or other orders of payment are to be signed.
- (3) Prescribe all records and forms pertaining to the disbursement and receipt of funds.
- (4) Submit financial statements to the city commission as they may require showing the financial condition of the city in accordance with generally accepted accounting principles.
- (5) To furnish to the city manager such financial services as may be required.

(b) The finance director shall:

- (1) Have access to inspect, copy, or take possession of all records relating to the receipt or expenditure of funds of the city.
- (2) Require regular reports from each department, office or employee receiving or disbursing funds of the city, showing the amounts, source and purpose thereof.
- (3) Keep an accurate account of all appropriations made by the city commission.

(c)

The city commission shall annually employ an independent auditor to make a complete audit of the city and its agencies.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 37. - Certification of funds by finance director.

No contract, agreement or other obligation involving the expenditure of money shall be entered into by the city commission, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city commission, nor shall the city commission authorize any officer of the city to create any such obligation, unless the expenditure has been appropriated in the city budget. The sum necessary for the fulfillment of such contract, agreement or other obligation shall not thereafter be considered unappropriated until the city is discharged from such obligation or the city budget properly amended. All moneys in the treasury to the credit of the fund from which they are drawn, and all moneys applicable to the payment of obligations or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes or assessments, or from sales or services, products or byproducts, or from any city undertaking, fees, charges, accounts, and bills receivable, or other claims in the process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and the money to be derived from lawfully authorized bonds sold and in process of delivery, shall, for the purpose of the city budget, be deemed in the treasury to the credit of the appropriate fund.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 38. - Audit and approval of claims.

All claims and demands against the city shall be examined and adjusted and their correctness approved by the finance director before payment. The finance director shall keep a record of accounts and financial transactions, and such books shall be open to the inspection of all interested parties.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 39. - City clerk.

There shall be a city clerk and a deputy city clerk who shall act in the absence of the city clerk. The city clerk shall attend meetings of the city commission and shall keep minutes of its proceedings, which shall be certified to by the signature of the clerk and of the presiding officer of the city commission. The city clerk shall maintain a registry of all duly enacted ordinances and resolutions of the city commission and shall record and memorialize any official acts taken by the city commission in the performance of their official duties. The city clerk shall be the custodian of the seal of the city and of all contracts, records and papers of

a general character pertaining to the affairs of the municipality and shall perform such other duties as may be assigned, or required by ordinance or resolution of the city commission. Contracts executed on behalf of the city shall be acknowledged by the city clerk, with the city seal affixed.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 40. - Oath of office.

Every elected official of the city shall, before entering upon the duties of their office, take or subscribe to an oath or affirmation before the city clerk, who shall retain a copy thereof; which oath shall be in the form herein prescribed as follows:

"I do solemnly swear or affirm that I am a citizen of the United States, and the State of Florida, and the City of Lakeland, and have all the qualifications as required by the charter for the office upon which I am about to enter and that I will support the Constitution of the United States and the Constitution of the State of Florida, and the ordinances of the City of Lakeland, and that I will faithfully perform the duties of the office upon which I am now about to enter. So help me, God."

Every police officer of the city shall, before entering upon the duties of their office, take and subscribe to an oath or affirmation to be filed with the city clerk; which oath shall be in the form herein prescribed as follows:

"I do solemnly swear (or affirm) that I am a citizen of the United States and a resident and have my domicile within the State of Florida and have all the qualifications as required by the charter for the office upon which I am about to enter, and that I will support the Constitution of the United States, and the Constitution of the State of Florida, and the ordinances of the City of Lakeland, and that I will faithfully perform the duties of the office upon which I am now about to enter. So help me, God."

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 41. - City treasurer.

There shall be a city treasurer who, under the supervision of the finance director, shall collect and be the custodian of all moneys of the city and shall keep and preserve the same in such manner and in such places as may be determined by the city commission.

Sec. 42. - Annual budget.

Prior to the end of each fiscal year, the city manager shall prepare and submit to the city commission a budget and explanatory budget message for the ensuing fiscal year. The budget shall be compiled from detailed information and in its arrangement the classification of expenditures shall be as nearly uniform as

possible for the main functional divisions and departments of the city, and shall provide the following information:

- (a) Proposed expenditures for each department and division of city government, including all public utilities and enterprises conducted by the city.
- (b) Expenditures for the preceding fiscal year and projected expenditures for the current fiscal year for corresponding items.
- (c) Such other information as is required by the city commission or as the city manager may deem advisable to submit.

The budget, constituting the recommendation of the city manager as to the amounts necessary to be appropriated for the ensuing fiscal year, shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the city commission a comprehensive understanding of the needs and requirements of the various divisions and departments of the city government for the ensuing period. Sufficient copies of the proposed budget shall be on file with the city clerk for inspection by the public.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 43. - Appropriation ordinance.

The city commission shall annually adopt a budget as required by applicable law. The city commission may amend the items included within the budget submitted by the city manager, but where the total proposed expenditures are increased the city commission shall increase the total anticipated revenue to at least equal such proposed expenditures. After review and revision of the budget submitted by the city manager, the city commission shall cause an appropriation ordinance to be prepared to meet the requirements of the budget, and before finally acting upon such ordinance shall fix a time and place for holding public hearing upon the intended appropriation, and shall give public notice at least one time, not less than one week prior to the hearing, in a local newspaper or as otherwise may be required by law. At such hearing the city commission may revise the proposed appropriation ordinance and may adjourn the hearing from time to time until the appropriation ordinance is finally acted upon. If the city commission fails to adopt such appropriation ordinance prior to the commencement of the next fiscal year, the amounts appropriated for current operations for the current fiscal year shall be deemed appropriated for the ensuing fiscal year on a month to month basis with all items prorated accordingly until such time as the city commission adopts a budget for the ensuing fiscal year.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 44. - Transfer of funds.

The city commission may authorize the transfer of any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient, or may authorize a transfer to be made between departments in the same fund or between funds.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 45. - Limitations of appropriations.

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated and hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the city commission to such use as will not conflict with any uses for which specifically such revenue accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriation made by the city commission.

Sec. 46. - Payment of claims.

No check for the payment of any account or claim shall be issued by the finance director until such account or claim shall have been approved by the head of the department for which the indebtedness was incurred and by the city manager, and such officers and their sureties shall be liable to the city for all loss and damage sustained by the city by reason of corrupt or improper approval of any such claim or account against the city.

Sec. 47. - Special tax.

The city commission may annually levy and collect a special tax for permanent improvements, and the adornment, paving and improvement of the streets and public grounds of the city, and the property of the city beyond the limits of the city, which levy shall not exceed one-quarter (0.25) of one percent of the assessed value of the taxable property of the city. The city commission shall also levy and collect annually upon its taxable property aforesaid such sums as may be necessary:

- (1) To pay interest upon the indebtedness of the city, and for the maintenance and repairs of its properties and public works;
- (2) To create a sinking fund for the payment of such indebtedness as may be incurred;
- (3) And to pay the bonds of the city already issued, or any bonds which may be issued in accordance with law;
- (4) To pay any judgment against the city, and any such sums as may be commanded to be levied by any mandamus legally issued against the city.

Sec. 48. - Special assessments for local improvements.

The city commission shall have the power, by resolution, to provide for the installation, laying, construction, reconstruction, repair and maintenance by contract, or directly by the employment of labor and furnishing materials of and for all things in the nature of local improvements for any public purpose.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 49. - Limitation of assessments.

The city commission shall limit all special benefits conferred upon the property assessed, and in no case shall there be levied on any lot, lots, parcel or parcels of land, any assessments for any and all improvements, in excess of the amount of the estimated benefits accruing to such property by reason of such improvement.

Sec. 50. - Method of making special assessments.

- (a) Special assessments upon the property deemed to be benefited by local improvements shall be assessed upon the property specially benefitted in proportion to the benefit derived from the improvement, by the front footage of the property abounding and abutting upon the improvements or other property deemed to be benefited by such improvements or by such other methodology that results in the legal and equitable apportionment of the costs of the improvements.
- (b) The city commission may, if it finds that any local improvement should not be borne entirely by the abounding and abutting property or other property specially benefitted thereby, pay for such portion of such improvement as may be deemed proper.
- (c) The methodology of making special assessments set forth in this Charter shall be deemed to provide a supplemental, additional and alternative method or procedure for the making of special assessments and shall not be deemed to exclude the use of other methods or procedures for the making of special assessments provided by law or otherwise authorized under the home rule powers of municipalities.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 51. - Resolution relative to special assessments.

When the city commission may determine to make any local improvements and provide for the payment of the cost thereof, in whole or in part, by special assessment, declaration thereof shall be made by resolution stating the nature of the proposed improvement, designating the location of such improvement and what portion of the expense thereof is to be made by special assessment, the manner in which said assessment shall be made and when said assessment shall be paid, and what part shall be apportioned to

be paid from the improvement fund of the city, if any; this provision, however, shall in no wise require the city to pay any portion of said improvements; said resolution shall also designate the lands upon which special assessments shall be levied and the estimated amount thereof. The resolution shall be considered at a public hearing at a time and place to be determined by the city commission. Notice of the public hearing at which the resolution will be considered shall be mailed by first class mail to the effected property owners no later than ten (10) days prior to consideration by the city commission. Said resolution shall also be published once in a local newspaper, or in such other manner as prescribed by law, at least fifteen (15) days before said improvement is started.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 52. - Assessment liens.

Special assessments for local improvements as herein described shall be payable by the owners of the property specially benefitted by said improvement at the time and in the manner stated in the resolution providing for said improvements, and said special assessments shall be and remain liens superior in dignity to all other liens, except liens for taxes, until paid from the date of the assessment upon the respective lots and parcels of land assessed and shall bear interest not to exceed the rate of eight (8) percent per annum and may be, by resolution aforesaid, made payable in not more than ten (10) equal yearly installments, as nearly as practicable with accrued interest on all deferred payments unless paid within thirty (30) days after said assessments, which assessments shall stand approved and confirmed as provided herein.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 53. - When annual installments due and payable; collection.

Each annual installment provided for herein shall be paid upon the dates specified in said resolution, with interest upon all deferred payments until the entire amount of said assessment has been paid and upon failure of any property owner to pay any annual installment due, or any part thereof, or any annual interest upon deferred payments, the city commission shall cause to be brought the necessary legal proceedings to enforce payment with all accrued interest, together with all legal cost incurred, including a reasonable attorney's fee, to be assessed as part of the costs, and in the event of default in the payment of any installment of an assessment or any accrued interest on said assessment, the whole assessment with interest thereon shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment, service of process against unknown or nonresident defendants may be had by publication as now approved by law in other chancery suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages.

Sec. 54. - Plans, specifications and estimated cost of proposed improvement.

At the time of the adoption of the resolution provided for herein, there shall be on file with the director of public works, plans and specifications with the estimated cost of the proposed improvement, which plans and specifications and estimate shall be open to the inspection of the public.

Sec. 55. - City manager to cause improvement to be made.

When the city commission shall have passed a resolution determining that an improvement be made, to be paid in whole or in part by special assessment, the city manager shall, as may be provided by resolution, either directly by the employment of labor, or by entering into a contract therefore, cause the improvement to be made.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 56. - Publication of assessment resolution.

Upon the adoption of the resolution provided for herein, the resolution shall be published one time in a newspaper of general circulation in the city or in such other manner as provided by law.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 57. - Assessment roll.

Upon the adoption of the resolution aforesaid, the city commission shall cause to be made an assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be completed and filed with said city commission as promptly as possible; said assessment roll shall describe the lots and lands assessed, the amount of the assessment against each lot or parcel of land, and if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon said assessment roll.

Sec. 58. - Publication of assessment roll; notice to property owners of hearing.

Upon the completion of said assessment roll, the city commission shall cause a copy thereof to be published two (2) times successfully, once each week, in a newspaper of general circulation, published in the city, or in such other manner as provided by law and in the publication of said special assessment roll the said city commission shall cause to be attached to the copy of the assessment roll, a notice directed to all property owners interested in said assessments of the time and place where complaints will be heard with reference to said assessments and when said assessment roll will be finally approved and confirmed by the city commission sitting as an equalizing board.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 59. - Meeting of commission as equalizing board to hear complaints as to special assessments.

At the time and place named in the notice provided for herein, the city commission shall meet as an equalizing board to hear and consider any and all complaints as to such special assessments, and shall adjust and equalize the said assessments on a basis of justice and right, and when so equalized and approved such assessment shall stand confirmed, and be and remain legal, valid and binding liens upon the property against which such assessments are made until paid in accordance with provisions of this act; provided, however, that upon the completion of the improvement, the city shall rebate to the owner of any property which shall have been specifically assessed for any improvement, the difference in the assessment as originally made, approved and confirmed, and the proportionate part of the actual cost of said improvement to be paid by special assessments as finally determined upon the completion of said improvement.

Sec. 60. - Authority of commission to make new assessments in certain instances.

If any special assessment made hereunder to defray the whole or any part of the expense of any improvement shall be either in whole or in part annulled, vacated, or set aside, or if the city commission shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if the city commission shall have omitted to make such assessment when it might have done so, the city commission is hereby authorized and required to take all necessary steps to cause a new assessment to be made for the whole or any part of any improvement or against any property benefited by any improvement, following as nearly as may be the provisions hereof and in case such second assessments shall be annulled, the city commission may obtain and make other assessments until a valid assessment shall be made.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 61. - Payment of costs out of general funds, etc.

The city commission shall have the power to pay out of its general funds or out of any special fund that may be provided for that purpose such portion of the cost of any street or other public improvement as it may deem proper. All abstracting costs, engineering and inspection costs, including a proper proportion of the compensation, salaries and expenses of the engineering staff of the city properly chargeable to any improvement, shall be deemed and considered a part of the cost of the improvement.

Sec. 62. - Informalities and irregularities in connection with special assessments.

Any informality or irregularity in the proceedings in connection with the levy of any special assessment hereunder shall not affect the validity of the same where the assessment roll has been confirmed by the city commission, and the assessment roll as finally approved and confirmed shall be competent and substantial

evidence that the assessment was duly levied, that the assessment was duly made and adopted, and that all other proceedings adequate to the adoption of the said assessment rolls were duly had, taken and performed as required herein; and no variances from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 63. - Reserved.

Editor's note— Ord. No. 5773, Att. A, adopted Nov. 5, 2019, deleted § 63 entitled "Construction and repair generally; notice to owner, etc."

Sec. 64. - Reserved.

Editor's note— Ord. No. 5773, Att. A, adopted Nov. 5, 2019, deleted § 64 entitled "Method of procedure."

Sec. 65. - Reserved.

Editor's note— Ord. No. 5773, Att. A, adopted Nov. 5, 2019, deleted § 65 entitled "Assessment bonds."

Sec. 66. - Assessment for removal of weeds, rubbish, etc.

- (a) The city commission shall have power to provide by resolution for assessing against the abutting property, the cost of removing from vacant property and public ways all accumulations of weeds or rubbish, and for assessing against property the cost of cutting and removing therefrom obnoxious weeds or rubbish, including debris resulting from fires, storms, war, other calamities, or the demolition of buildings or other structures.
- (b) If the owner of property subject to an order of the city to clean, clear or remove overgrown vegetation, debris or other unsanitary condition from the property, or to demolish or repair a dilapidated, unsafe or illegal structure or structures on the property, fails to clean, clear or remove such overgrown vegetation, debris or other unsanitary condition, or repair or demolish the structure or structures subject to said order, within the time period given by the city to do so, if any, the city may clean, clear or remove the overgrown vegetation, debris or other unsanitary condition or cause the dilapidated, unsafe or illegal structure(s) to be demolished and removed from the property, as the case may be. Upon completion of the cleaning, clearing or removal of such overgrown vegetation, debris or other unsanitary condition, or the demolition and removal of the violative structure(s), by the city, the city shall mail an invoice to the property owner requesting payment to the city for the actual costs of the city's corrective actions, plus any related administrative costs. The property owner shall be required to pay the amount of the invoiced charges within 30 days of the invoice date.

- (c) If the property owner fails to pay the charges within 30 days, the city attorney shall cause a resolution to be prepared designating the name and address of the owner, a description of the lots or land and the charges to be assessed against such lots or land for the cleaning, clearing or removal of the overgrown vegetation, debris or other unsanitary condition, or the demolition and removal of the violative structure(s). The resolution shall be presented to the city commission by the city attorney and, upon approval of the resolution by the city commission, the city's costs shall be assessed against the property and shall be and remain a valid special assessment lien against such property prior to all other liens or interests, save and except taxes, and shall bear interest at a rate not to exceed eight percent per annum, from the date the resolution is approved by the city commission.
- (d) Before adoption of the resolution specified in subsection (c), the city commission shall cause to be published a notice directed to the owner(s) of the subject property, designating a time and place where complaints will be heard with reference to the proposed assessment and when such assessment will be finally approved and confirmed by the city commission. A copy of such notice shall be served upon the property owner(s) by first class U.S. mail at the owner's last known address as same appears on the records of the property appraiser of the county. The failure to mail such notice or notices shall not invalidate any of the proceedings under this division.
- (e) At the time and place designated in the notice provided in subsection (d), the city commission shall meet as an equalizing board to hear and consider any and all complaints as to such assessment and shall adjust and equalize the assessment, and when so equalized and approved and the resolution specified in subsection (c) adopted, such assessment shall stand confirmed and be and remain a legal, valid and binding special assessment lien upon the property against which such assessment is made until paid.

(Ord. No. 5773, Att. A, 11-5-19)

BONDS

Sec. 67. - How issued.

- (1) The city commission is authorized to issue, from time to time, general obligation bonds of said city of such denominations and bearing such rates of interest, and becoming due in such time and upon such conditions as may be determined by the City Commission; provided, that no such bonds shall be issued except for refunding of previous issues of bonds, establishment of public works and utilities, construction of necessary municipal buildings, and for the purpose and improvement of parks, golf courses, playgrounds, highways, streets and alleys, lakes, and other municipal purposes; provided, further, that before the issuance of any such bonds, an ordinance or resolution shall be passed expressing in exact terms the amount of the contemplated bond

issue and purposes for which moneys so to be realized are to be used, which, if such bond have a maturity of more than twelve months, shall be approved by a majority of the votes cast in an election held for that purpose, at which time and in such manner as may be prescribed by law and city ordinances, in which a majority of the duly qualified electors residing in the City of Lakeland shall be eligible to participate.

- (2) The question of the issuance of bonds under this section for any specified purpose may be submitted from time to time, not more often than once each year, with relation to each purpose specified, provided that nothing in this section shall apply to refunding bonds, revenue bonds or other bonds which are issued under general or special act, or which do not require approval by referendum.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 68. - Reserved.

Editor's note— Ord. No. 5773, Att. A, adopted Nov. 5, 2019, deleted § 68 entitled "Prerequisite to passing of bonding ordinance."

Sec. 69. - Reserved.

Editor's note— Ord. No. 5773, Att. A, adopted Nov. 5, 2019, deleted § 69 entitled "Advertisement and sale of bonds."

Sec. 70. - Revenue bonds.

The city shall have power to issue from time to time revenue bonds and industrial revenue bonds and other bonds payable from taxes other than ad valorem taxes, fees, charges, grants and the revenue derived from the electric system of the city, the water, storm water, and wastewater system of the city, the parking system of the city, including both on-street and off-street parking facilities, industrial plants, industrial parks, airports or any other revenue-producing undertaking or enterprise, or any combination of such systems, undertakings or enterprises, to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, extension or improvement of such systems, undertakings or enterprises or any combination thereof, or the acquisition of any property, real or personal, therefor.

- (1) Such revenue bonds shall mature at such time or times, not later than forty (40) years from the date of issuance thereof, shall bear interest at such rate or rates, may have such provisions for redemption prior to maturity, under such terms and at such prices, and such other terms and provisions as the city commission shall determine by ordinance or resolution. Such revenue bonds may be authorized by ordinance or resolution, which need not be published or posted, which ordinance or resolution, may be adopted at a regular or adjourned meeting. Such revenue bonds may be sold at public sale after such advertisement

as the city commission shall deem advisable, or at private sale without advertisement, at such price or prices as the city commission shall deem advisable, together with accrued interest thereon, if any.

- (2) The city commission, in authorizing the issuance of such revenue bonds, may pledge all or any part of the revenue derived from any of said taxes, fees, charges, systems, undertakings or enterprises, or any combination thereof, and may make valid and legally binding covenants with the holders of said revenue bonds as to the fees or charges to be fixed and established and maintained, which fees or charges shall in any event always be fixed, established and maintained at such rate or rates as shall be sufficient to pay all of the costs of operation and maintenance of such systems, undertakings or enterprises, the principal of and interest on such revenue bonds, and any reserve funds or other funds, including reasonable margins, which may be provided for in the proceedings authorizing such revenue bonds. The city commission may also in such proceedings provide for a trustee or trustees of the proceeds of such revenue bonds or such revenues, and enter into trust agreements or other forms of agreement which it shall deem necessary and advisable and may include in such proceedings, trust agreements, or other agreements, such other covenants, agreements and contracts which it shall deem advisable, all of which covenants, agreements and contracts shall be valid and legally binding obligations of the city in accordance with the terms thereof.
- (3) Reserved.
- (4) All of said revenue bonds shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the Uniform Commercial Code of the State of Florida. All such revenue bonds shall be and constitute securities eligible for deposit for the securing of state, municipal or other public funds, and shall also be and constitute securities eligible for investment by banks, savings banks, executors, administrators, guardians and other fiduciaries, and all state, municipal and other public funds.
- (5) No election of the qualified electors residing in the city shall be required for the issuance of any of said revenue bonds unless the full faith and credit and ad valorem taxing power of the city is pledged as additional security for the payment of the principal of and interest on such revenue bonds.
- (6) The authority granted in this section to the city to issue revenue bonds shall be deemed to be supplemental, alternative and complete authority for the issuance of such revenue bonds, and such authority shall not be deemed to affect or take away the right of said city to issue such revenue bonds under any other laws of the State of Florida, subject to the limitations of such other laws.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 71. - Granting of franchises.

The city commission may, by ordinance, grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the city, but no such grant or renewal thereof shall be made in violation of any of the limitations contained herein. The ordinance granting any such franchises or renewals thereof shall be subject to petition and referendum as specified herein. No ordinance granting a franchise shall be considered as an emergency measure.

Sec. 72. - Period of grants.

No such grant or franchise shall be exclusive, nor shall it be made for a longer period than thirty (30) years. No such grant or franchise shall be renewed earlier than two (2) years prior to its expiration unless the city commission shall, by unanimous vote of its members, first declare by ordinance its intention of considering a renewal thereof. All grants or rights to make extensions of any public utility shall be subject, as far as practicable, to the terms of the original grant, and shall expire therewith.

Sec. 73. - Conditions.

The city commission shall, in ordinances granting or renewing any franchise to construct or operate a public utility, prescribe the kind and quality of service or product to be furnished, and the manner in which the streets and public grounds shall be used and occupied, and other terms and conditions conducive to the public interest. All such grants and renewals thereof shall reserve to the city the right to terminate the same upon purchasing all the property and property rights of the utility, as well as extensions thereof within or without the city, used in or useful in or connected with such utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the granting or renewals of the grant, such contracts, if so purchased to be performed by the city. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by condemnation proceedings, or in any other lawful mode; and all such methods of acquisition shall be alternative to the power of purchase reserved in the grant or renewal, as hereby provided. In such event, however, said contracts of such utility shall be performed by the city. Upon the acquisition by the city of the property of any utility, by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 74. - Assignment of grants.

No such grant or franchise shall be leased, assigned, or otherwise alienated except with the express

consent of the city commission.

Sec. 75. - Extensions by annexation.

It shall be provided in every such grant that, upon the annexation of any territory to the city, the portion of any such utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

Sec. 76. - Right of regulation, etc.

All grants shall be subject to the right of the city, whether in terms reserved or not, to control at all times the distribution of space in, over or across or under all streets, alleys, or public grounds, occupied by public utility fixtures, and when in the opinion of the city commission, the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which, in the opinion of the city commission, are required in the interest of the public health, safety or accommodation.

Sec. 77. - Forfeitures.

If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside, or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the city commission, to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city commission for the violation by the grantee of any of the terms thereof.

Sec. 78. - Accounts and reports required of public utilities.

Every person or corporation operating a public utility within the city limits, whether under a grant heretofore or hereafter obtained, shall either keep and maintain at some place within the city suitable and complete books of account, showing in detail the assets, financial obligations, gross revenue, net profits, and all the operations of such utility which are usually shown by a complete system of bookkeeping, or furnish said information upon request of the city commission.

Each person or corporation, within sixty (60) days after the end of its fiscal year, unless the city commission shall extend the time, shall file with the city commission a report for the preceding fiscal year, showing the gross revenue, the net profits, expenses of repairs, betterments and additions, amount paid for salaries, amount paid for interest, and discount, other expenses of operation, and such other information, if any, as the city commission from time to time may prescribe. If the city commission shall prescribe the form for such reports then such reports shall be made in the form from time to time prescribed by such commission.

It shall be the duty of each such person or corporation to furnish the city commission such supplementary or special information about its affairs as the city commission may demand; and the city commission or its authorized representative shall at any and all reasonable times have access to all the books, records and papers of each and every such person or corporation, with privilege of taking copies of same or any part thereof.

The duties herein prescribed may be specifically enforced by appropriate legal proceedings, and, in addition, each such person or corporation for failure to comply with the provisions of this section, shall be liable in damages to the City of Lakeland, Florida, to be recovered in a civil action in the name of the city.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 79. - Reserved.

Editor's note— Ord. No. 5773, Att. A, adopted Nov. 5, 2019, deleted § 79 entitled "Revocable permits for laying spur tracks not considered grants."

Sec. 80. - Powers of city commission not limited.

Nothing herein contained shall operate in any way, except as herein specifically stated, to limit the city commission in the exercise of any of its lawful powers respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions hereof or the Constitution or laws of the state.

(Ord. No. 5773, Att. A, 11-5-19)

ELECTIONS

Sec. 81. - Elections; time and method of holding.

- (a) An election for the offices of city commission and mayor of the City of Lakeland shall be held every odd-numbered year on the first Tuesday after the first Monday of November and, if applicable, to coincide with any regular or special federal, state, or county election to be held in the city, provided two (2) or more candidates have become qualified for the office of mayor or commissioner to be filled as herein provided. Should any candidate receive a clear majority of all votes cast, he or she shall be declared regularly elected. If no candidate receives a clear majority of all votes cast, the two (2) candidates for each place to be filled who received the highest number of votes in said election shall be certified as the candidates at a runoff election.

(b)

The runoff election, if necessary, shall be held on the first Tuesday after the first Monday of December following the election specified in Section (a) and, if applicable, to coincide with any regular or special federal, state, or county election to be held in the city unless all candidates shall have received a clear majority of all votes cast, or were unopposed in the election, shall be declared elected. In the event of a tie between two (2) candidates, one shall be elected as provided by ordinance.

- (c) The qualifications of all candidates shall be in accordance with the provisions of this charter. All candidates shall be voted on at large throughout the city.
- (d) Candidates for the city commission, when qualifying, shall designate the district in which they are candidates, whether at large, or from one of the four (4) districts established herein. Candidates shall be grouped by district on the ballot at the election and any runoff election.
- (e) Any matters which, by the terms of this charter, may be submitted to the electors of the city at any special election, may be submitted at any election herein provided for.

(Ord. No. 2340, § 2, 4-5-82, election of 11-2-82; Ord. No. 2976, § 6, 12-21-87, election of 3-8-88; Ord. No. 4486, § 2, 11-17-03; Ord. No. 5108, § 2, 7-6-09; Ord. No. 5773, Att. A, 11-5-19)

Sec. 82. - Elections scheduled to coincide with national, state or county elections.

The city commission may, by resolution, schedule any municipal election, on dates which coincide with national, state or county elections, even though such date or dates may be on a date other than as prescribed in section 81 of this charter.

Sec. 83. - Commission to make arrangements for holding; poll workers.

The city commission shall make all the necessary arrangements for holding all municipal elections, and shall declare the result thereof. The poll workers shall be appointed by the city clerk who shall be responsible for their training and supervision.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 84. - Opening and closing polls; canvass of returns; certificates of election; when successful candidate to assume office.

- (a) The polls shall open at 7:00 a.m. and shall close at 7:00 p.m. The results of the voting at each polling place, when ascertained, shall be certified by return, signed by the precinct clerks of the election, with a copy being delivered by such precinct clerk to the city clerk. The city clerk shall transmit such returns to the city commission at a meeting to be held within ten (10) days following the election. At such meeting, the city commission shall canvass the returns and the result as shown by such returns, which shall be declared by the commission as the result of the election.

- (b) The city clerk shall, not later than the second day after the canvass, furnish a certificate of election to each person shown to have been elected. The person or persons so elected shall assume office at the first city commission meeting in January following the date of election, except that any person elected to fill a vacancy shall take office immediately upon receiving a certificate of election, and taking the oath of office.
- (c) Whenever fewer than three (3) members of the city commission are available to canvass the returns of an election, the city attorney, the city manager, or both, shall be appointed by the available members of the city commission to participate in the canvassing of the returns of the election so that the canvassing board for any election consists of at least three (3) members.

(Ord. No. 5773, Att. A, 11-5-19; Ord. No. 5886, § 3, 8-16-21)

Sec. 85. - Form of ballots.

The city commission, by resolution, shall prescribe the form of the ballot for city elections and charter amendments. Such ballots shall conform as nearly as possible to the form prescribed by the general laws of the State of Florida. A charter amendment to be voted on by the electors of the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above-described amendment be adopted?" Immediately below such question shall appear, in the following order, the words, "for approval" and also the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the elector's choice.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 86. - Candidates; nominees; time and manner of qualifications of candidates; fee.

Any qualified elector of the City of Lakeland, Florida, possessing the requirements to hold the office of mayor or city commissioner, may become a candidate for office of mayor or city commissioner by filing in the office of the city clerk not earlier than noon of the fiftieth day prior to a regular or special city election, but not later than noon of the forty-sixth day prior to a regular or special city election, a request in writing that his or her name be printed on the next city election ballots as a candidate for such office and by paying the city therewith, as an election or qualification fee, the sum of two hundred fifty dollars (\$250). Only the name or names of candidates so qualified shall appear on the ballots of the next regular or special election held in the city.

No candidate having qualified and thereafter withdrawing or becoming disqualified, under the provisions of this charter, shall be entitled to a refund of the fee paid by him or her.

(Ord. No. 2606, § 1, 9-4-84, election of 11-6-84; Ord. No. 2976, § 7, 12-21-87, election of 3-8-88; Ord. No. 5773, Att. A, 11-5-19)

Sec. 87. - General laws to apply.

All elections shall be conducted, except as otherwise specifically provided under this charter, under the rules and conditions prescribed by law, and subject to the general election laws of the state.

THE INITIATIVE

Sec. 88. - Initiative and referendum.

- (a) *Initiative*. The qualified electors of the city shall have 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, such electors, shall have the power to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) *Referendum*. The qualified 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, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 89. - Commencement of proceedings.

Any five (5) qualified electors may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the city commission an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the city clerk or other official designated by the city commission may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 90. - Petitions.

- (a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least twenty (20) percent of the total number of qualified electors registered to vote at the last regular city election.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing which shall contain a statement not exceeding 75 words in length, explaining the chief purpose of the measure. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signature of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) *Time for filing referendum petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the city commission of the ordinance sought to be reconsidered.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 91. - Procedure for filing.

- (a) *Certificate of clerk; Amendment.* Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk or other official designated by the city commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail, or other method of service provided by law. Grounds for insufficiency are only those specified in section 90 ^{1 [2]}. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city clerk or other official designated by the city commission within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 90 hereof, and within five (5) days after it is filed, the city clerk or other official designated by the city commission shall complete a certificate as to the sufficiency of the petition as amended, and promptly send a copy of such certificate to the petitioners' committee by the same method as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners'

committee does not elect to amend or request city commission review under subsection (b) of this section within the time required, the city clerk or other official designated by the city commission shall promptly present the certificate to the city commission, and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) *City commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the city commission. The city commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the city commission's determination shall then be a final determination as to the sufficiency of the petition.

(Ord. No. 5773, Att. A, 11-5-19)

Footnotes:

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Editor's note— *This section number may change as the Charter is amended.*

Sec. 92. - Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk or other official designated by the city commission, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition,
- (2) The petitioners' committee withdraws the petition,
- (3) The city commission repeals the ordinance, or;
- (4) After a vote of the electors of the city on the ordinance has been certified.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 93. - Action on petitions.

- (a) *Action by city commission.* When an initiative or referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance in the manner provided for adoption of ordinances, generally, or reconsider the referred ordinance by voting its repeal. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the city.

(b)

Submission to voters. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one hundred twenty (120) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period described in this subsection, the city commission shall provide for a special election, except that the city commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the city commission a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 94. - Results of election.

- (a) *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 and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission. 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.
- (b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote to repeal it, it shall be considered repealed upon certification of the election results.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 95. - Recall.

The electors of the City of Lakeland shall have the right of recall as provided by state law.

Sec. 96. - Charter amendment.

This charter may be amended in accordance with Florida Statutes 166.031 and the Lakeland City Code and supplemented as follows:

- (A) *Initiation by Ordinance.* The city commission may, by ordinance, propose amendments to this Charter in accordance with the provisions of Florida Statute 166.031. Upon passage of the initiating ordinance, the proposed amendment shall be placed to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

(B)

Initiation by Petition. The electors of the city may propose amendments to this charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last preceding regular city election.

- (1) *Form and Content of the Petition* - All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment.
 - a. The Petition shall prominently display on the face of the Petition, an explanatory statement of 75 words or less, which shall set forth the primary purpose of the amendment. The statement shall be clear and unambiguous and provide a comprehensive summary of the amendment free from bias or prejudice.
- (2) *Affidavit of Circulator* - Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.
 - a. Prior to circulation, a representative Petition shall be filed by the circulator with the City Clerk.
- (3) *Certification of Petition* - Upon certification of the petition by the designated official, in accordance with applicable law, such certification to include the validity of the names of the petition as qualified voters registered to vote in the City on the date of the petition, the city commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

(C) This section shall be supplemental to the provisions of Florida law relating to the amendment of a municipal charter.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 97. - Charter review committee.

In January of 2024, and in January of each eighth year thereafter, the city commission shall appoint a Charter Review Committee. The Committee shall consist of 15 qualified electors, not members of the city commission or the mayor, selected in a manner determined by the city commission, and appointed by resolution of the city commission. Such Committee shall review the Charter of the City of Lakeland and within one year, recommend to the city commission such revisions or amendments, if any, to this Charter as

in its judgement are indicated. After consideration of the recommendations, if any, of the Committee, the city commission may submit all or any of such proposed revisions or amendments to the electorate by referendum in accordance with applicable law. The members of the Charter Review Committee shall serve without compensation.

(Ord. No. 5773, Att. A, 11-5-19)

Sec. 98. - Effective date.

Upon approval of a majority of the electorate voting at a referendum on these charter amendments, this amended charter will become effective on January 1, 2020.

(Ord. No. 5773, Att. A, 11-5-19)

Footnotes:

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Editor's note— Ord. No. 5174, § 2, adopted July 6, 2010, amended ch. 30 in its entirety to read as herein set out. Former ch. 30, §§ 30-1—30-176, pertained to similar subject matter and derived from: Code 1960, §§ 11.11—11.14, 11.16, 11.21, 11.22, 11.24—11.27, 11.31—11.39.9, 11-41—11.47, 11.51—11.54, 11.61—11.65, 11.71; Ord. No. 3338, § 1, adopted Feb. 3, 1992; Ord. No. 3343, §§ 2(11.24)—(11.27), adopted Mar. 2, 1992; Ord. No. 4668, § 2, adopted July 18, 2005; Ord. No. 5109, § 2, adopted July, 6, 2009; Ord. No. 5131, § 3, adopted Oct. 19, 2009; and Ord. No. 5141, § 2, adopted Dec. 21, 2009.

Charter reference— Elections, Div. I, §§ 81—87.

Cross reference— Administration, ch. 2.

ARTICLE I. - IN GENERAL

Sec. 30-1. - Short title.

This chapter shall be known and may be cited as the "Lakeland Municipal Election Code".

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absent elector or *absentee voter* means any qualified and registered elector of the city who:

- (1) Casts an absentee ballot.

Ballot or *official ballot* means:

- (1) When paper ballots are used, a printed sheet of paper containing the names of candidates or ballot question of an issue to be voted upon at a city election; or
 - a. "Mark sense ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.
 - b. "Electronic or electromechanical devices" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(2)

When absentee ballots are used, a printed sheet of paper or other material containing the names of candidates or ballot question of an issue to be voted upon at a city election.

Candidate means any individual to whom one or more of the following applies:

- (1) Any individual receiving contributions or making expenditures, or giving consent for another person to do so, with the intent of bringing about that individual's election to city office;
- (2) Any individual who appoints a treasurer and designates a primary depository pursuant to F.S. § 106.021; or
- (3) Any individual who files qualification papers and subscribes to a candidate's oath as required by section 30-28.

District means that geographic area or quadrant of the city described and established in division I, section 10, City Charter, in which a candidate for the city commission seat designated therefor must reside.

Election means any city election, be it to choose elected officials or consider issues, including runoff elections and special elections.

Elector or *voter* shall mean a qualified resident of the city on the day of the election properly registered in accordance with F.S. §§ 97.041 through 97.105.

Issue means a proposed amendment to the City Charter, a proposed ordinance proposed by initiative pursuant to division I, section 88, City Charter, a proposed repeal of an ordinance by referendum pursuant to division I, section 88, City Charter, recall of an elected official, an authorization to issue bonds or other forms of indebtedness, a proposed annexation of territory into the city, straw ballot, or any other public question to be voted upon by the electors of the city pursuant to state law, City Charter, local ordinance, or call of the city commission.

Issue election means an election called for the purpose of approving or disapproving an issue, including, but not limited to, Charter amendment, initiative, referendum, bond authorization, annexation, recall, straw ballot, or other public question voted upon by the electors.

Newspaper of general circulation means a newspaper printed in the language most commonly spoken in the city, and which is readily available for purchase by all inhabitants in the city, but does not include a newspaper intended primarily for members of a particular profession or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Nonpartisan or *nonpartisan office* means an office for which a candidate is prohibited from campaigning or qualifying as a candidate for election based on, or with reference to, political party affiliation.

Office or *city office* means a position of the city filled by the electors at an election.

Polling place means a particular room or area where electors cast their votes.

Precinct means that geographic area designated by the board of county commissioners upon recommendation of the supervisor of elections as provided by state law.

Qualifying means the procedure pursuant to section 30-28, whereby an individual causes his name to be placed on the next city election as a candidate for city office.

Regular city election means an election to fill the office of city commissioner held at the time prescribed in subsection 30-96(a).

Runoff election means an election to fill the office of city commissioner between the two candidates receiving the largest number of votes in the first election.

Special election means an election called for the purpose of filling a vacancy in elected city office or to approve or disapprove an issue.

Supervisor means the Supervisor of Elections of Polk County, Florida.

(Ord. No. 5174, § 2, 7-6-10)

Cross reference— Rules of construction and definitions generally, § 1-2.

Sec. 30-3. - City clerk designated chief elections officer.

The city clerk is hereby designated the chief elections officer of the city and shall see that all city elections are conducted in a proper and legal manner. Subject to the approval of the city commission, the clerk may delegate any or all of the responsibilities for administering the election to the supervisor of elections.

(Ord. No. 5174, § 2, 7-6-10)

Cross reference— Officers and employees, § 2-51 et seq.

Sec. 30-4. - Voter registration.

The city does hereby recognize and adopt the permanent single registration system for the registration of electors established by F.S. § 97.105. Individuals residing within the corporate limits of the city otherwise qualified and registered to vote in accordance with F.S. §§ 97.041 through 97.105, are the electors of the city.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-5. - Registration.

The procedures for the opening and closing of registration books for the permanent registration system shall be followed pursuant to F.S. § 97.055.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-6. - Removal from registration records.

Any registered elector of the city may be removed from the registration records pursuant to F.S. § 98.081.

(Ord. No. 5174, § 2, 7-6-10)

Secs. 30-7—30-25. - Reserved.

ARTICLE II. - CANDIDATES

Sec. 30-26. - Resign-to-run.

- (a) No individual may qualify as a candidate for city office whose name appears, or will appear, on the same or another ballot for another public office, the term of which, or part thereof, runs concurrently with the term of the city office.
- (b) Any individual qualifying for city office shall comply with the provisions of F.S. § 99.012 prior to qualifying, if applicable.
- (c) No individual serving on an appointed city board or committee without salary shall be required to resign from that position in order to qualify as a candidate for city office. However, a resignation is required prior to that individual assuming elected city office.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-27. - Candidate's oath.

- (a) Each individual, in order to qualify as a candidate for city office, shall take and subscribe to an oath or affirmation in writing.
- (b) The form of the oath required by subsection (a) of this section shall be substantially as follows:
State of Florida

County of Polk

Before me, an officer authorized to administer oaths, personally appeared _____ (please print name as you wish it to appear on the ballot) _____, to me well known, who, being sworn, says that he is a candidate for the office of _____; that he is a qualified elector of Polk County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by F.S. §§ 876.05—876.10; that he has not violated any of the laws of the state relating to elections or the registration of electors; that he has

qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to F.S. § 99.012.

	____(Signature of candidate)____
	____(Address)____

Sworn to and subscribed before me this ____ day of _____, 20__ at _____ County, Florida.

____(Signature and title of officer administering oath)____

(c) *False swearing; submission of false voter registration information.*

- (1) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in F.S. §§ 775.082, 775.083 or 775.084.
- (2) A person who willfully submits any false voter registration information commits a felony of the third degree, punishable as provided in F.S. §§ 775.082 or 775.083.

(d) *Verification of residency.*

- (1) In order to qualify, a candidate shall provide the following documentation as verification of his or her residence:
 - a. Voter registration card.
- (2) In order to qualify, a candidate may provide one or more of the following as verification of his or her residence:
 - a. Florida driver license.
 - b. Homestead exemption documentation.
 - c. Passport.
 - d. Residential property lease.
 - e. Utility bills indicating sufficient level of usage consistent with an actual residence.
 - f. Such other justification as a candidate may wish to submit.
- (3) The residency period specified in section 10 of the City Charter as a requirement for city commissioners who represent districts A, B, C, and D, is the 365-day time period immediately prior to the election.

- (4) The residency period specified in section 11 of the City Charter as a requirement for members of the city commission is the 365-day time period immediately prior to taking office.

(Ord. No. 5174, § 2, 7-6-10; Ord. No. 5413, § 2, 11-4-13)

State Law reference— Similar provisions, F.S. § 99.021.

Sec. 30-28. - Method of qualifying.

Each person seeking to qualify as a candidate for city office shall follow the procedures set forth by F.S. §§ 99.093 and 99.095.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-29. - Time for qualifying.

For a regular election or a special election scheduled pursuant to division I, section 6, of the City Charter, no person may qualify as a candidate prior to 12:00 noon of the 50th day preceding the next regular or special city election, nor later than 12:00 noon of the 46th day preceding the next regular or special city election. In the event of a special election scheduled pursuant to section 30-31, the time for qualifying shall be as provided therein.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-30. - Withdrawal of candidate.

A candidate may withdraw at any time prior to the election by filing with the city clerk a written and executed statement, under oath, to that effect.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-31. - Vacancy in candidacy.

- (a) If the withdrawal, death or removal from the ballot of a qualified candidate following the end of the qualifying period results in only one candidate remaining for that office, a special election shall be scheduled by the city commission not less than 46 days, nor more than 120 days after the vacancy in the candidacy has occurred.

- (1) If a special election is called pursuant to subsection (a) of this section, a supplemental qualifying period shall be established beginning on the day the vacancy in the candidacy has occurred and ending at 12:00 noon on the 46th day prior to the date of the special election. Any candidate wishing to qualify during this supplemental qualifying period shall do so pursuant to section 30-28, prior to the end of the supplemental qualifying period.

- (2)

The remaining candidate for that office shall not be required to requalify for election or pay a second qualifying fee. The remaining candidate shall not be declared an unopposed candidate under F.S. ch. 106, unless no additional candidate qualifies for election during the supplemental qualifying period. The remaining candidate may continue to accept contributions until he is declared unopposed. If he is declared unopposed pursuant to this section, he shall be declared elected and the special election shall be cancelled.

- (3) The filing of campaign expense statements, pursuant to F.S. ch. 106, by candidates in a special election called under subsection (a) of this section, including the remaining candidate, shall not be later than such dates as fixed by the city clerk. In fixing such dates, the city clerk shall take into consideration and be governed by the practical time limitations and the dates established for such statements in a regular city election.
- (4) If a special election is called pursuant to subsection (a) of this section and other candidates qualify for election during the supplemental qualifying period, supplemental absentee ballots for the special election shall be mailed by the city clerk to any absentee voter who was mailed an absentee ballot for the regular election. If an absentee voter returns the initial ballot he was mailed, his vote for that office for which the special election was called will be null and void, but his votes on all other offices and issues shall be counted.
- (b) If the death, withdrawal or removal from the ballot of a qualified candidate following the end of the supplemental qualifying period established in subsection (a)(1), results in only one candidate remaining for that office, the remaining candidate shall be declared to be an unopposed candidate as that term is defined in F.S. § 106.011(15). That candidate shall then be declared elected and take office as soon as is practical following the withdrawal, death or removal.
- (c) If the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period results in no candidates for an office, and more than 21 days remain prior to the date of the election, qualifying shall be reopened to allow candidates to qualify for the election to that office in accordance with the City Charter and this Code. Any candidate wishing to qualify shall do so pursuant to section 30-28, no later than 12:00 noon of the 21st day prior to the date of the election.
- (1) If less than 21 days remain to the election date after the death, withdrawal or removal from the ballot of the lone qualified candidate for an office, and if a vacancy shall result on the city commission, the remaining commissioners shall appoint, by majority vote, a person otherwise qualified to be a commissioner, and the person so appointed shall serve as commissioner for the entire term. If the commission does not appoint a person to fill the vacancy within 30 days after the first regular commission meeting held after the vacancy has occurred, a special election shall be held in order to fill the vacancy for the unexpired portion of the entire term. The special election shall be held not less than 30 days, nor more than 90 days after the initial 30-day period has expired.

(2) If the qualifying period is reopened pursuant to subsection (b) of this section, supplemental absentee ballots reflecting the new candidates who have qualified for that office only shall be mailed by the city clerk as soon as possible to any absentee voter who was mailed an absentee ballot. If an absentee voter returns the initial ballot he was mailed, his vote for the office for which qualification was reopened will be null and void, but his votes on all other offices and issues shall be counted.

(d) The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.

(e) A candidate withdrawing or being removed from the ballot after having qualified and paid the qualification fee shall not receive a refund of the qualifying fee.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-32. - Candidate's name.

The name of a candidate shall be printed on the ballot in the same form as the name appears on the candidate's oath. Shortened versions or nicknames may be used if so indicated. No title or evidence of incumbency shall be printed.

(Ord. No. 5174, § 2, 7-6-10)

Secs. 30-33—30-55. - Reserved.

ARTICLE III. - ISSUE ELECTIONS

Sec. 30-56. - Calling of election.

(a) Except as otherwise provided by state law or City Charter, an issue election shall be called by the city commission upon approval of a resolution to that effect following certification from the city clerk that any and all applicable procedures and requirements relating to such an election have been satisfied. Whenever possible, the issue election shall be held in conjunction with a regularly scheduled state or city election.

(b) No issue election may be held less than 45 days after the date the election is called, unless so provided by state law.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-57. - Applicable election laws.

Except as otherwise provided by state law, an issue election shall be conducted pursuant to the provisions of this chapter.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-58. - Ballot language.

- (a) The city commission shall in the resolution calling the election pursuant to section 30-56, provide the language to appear on the ballot.
- (b) Except for those issues which state law prescribes the language to appear on the ballot, the ballot language shall consist of a title and the substance of the issue stated in the form of a question in clear and unambiguous language followed by the words "yes" and "no", and styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection.
 - (1) If state law prescribes the specific language to appear on the ballot, the ballot language shall be in substantially the form as provided in the applicable state law.
 - (2) If a special act of the legislature relating to the city requires the approval of the electors of the city to be effective, the ballot language shall be as set forth in the special act. However, should the act not prescribe the ballot language, the city attorney shall prepare the language consisting of a brief summation of the act not exceeding 75 words in a question form and providing for a "yes" vote indicating approval of the act and a "no" vote indicating disapproval or rejection of the act.
- (c) Whenever possible, the ballot title shall consist of a caption not exceeding 15 words by which the measure is commonly referred.
- (d) Whenever possible, the substance of the issue shall be an explanatory statement of the primary purpose of the issue in the form of a question not exceeding 75 words.
- (e) If more than one issue is to appear on the same ballot, a consecutive designating number shall be assigned by the city clerk to each in the order of filing of the appropriate petition or other document required in order to be placed on the ballot or approval by the city commission of the resolution calling the election. Referenda on special acts shall be separately designated.
- (f) No later than 30 days prior to the issue election, the city clerk shall transmit to the supervisor of elections a certified copy of any resolution calling an issue election together with the designating number, if applicable, the ballot title, and substance of the issue.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-59. - Notice of election.

- (a) The city clerk shall cause a notice of election to be published in a newspaper of general circulation at least once during the fifth week and once in the third week preceding the week in which the election is held.
- (b) The notice shall be styled "City of Lakeland, Notice of Election", and shall state the date of the election and issue to be voted upon. The ballot language shall be included in the notice.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-60. - Ballot position.

Any issue on a ballot also having candidates for elective office shall be placed in a position on the ballot so that it is separate and distinct from that portion of the ballot containing candidates' names, and shall be placed on the ballot either after or to the right of the candidates' position on the ballot.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-61. - Canvassing.

The city commission shall be the canvassing board for any issue election held pursuant to this part, except for special acts which shall be canvassed by the county canvassing board pursuant to F.S. § 102.141. Such canvassing shall be conducted in accordance with section 30-126 et seq.; provided, however, that any commissioner who is the subject of a recall pursuant to F.S. § 100.361, shall not participate in the canvassing of that issue. Any action taken by the canvassing board shall require a majority vote of those qualified to serve on the canvassing board.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-62. - Campaign finance.

- (a) Any individual, person, partnership, committee, association, corporation, or other combination of individuals having collective capacity seeking to influence the outcome of any issue election, including any efforts to have the election called, by the receipt of contributions in an aggregate amount in excess of \$100.00, or making of expenditures in an aggregate amount in excess of \$100.00, shall report such contributions and expenditures in the manner provided in F.S. § 106.07, in the case of a political committee, and F.S. § 106.071, in the case of an individual making independent expenditures.
- (b) A committee circulating petitions seeking a recall election of an elected official pursuant to F.S. § 100.361, a petitioners' committee proposing an initiative pursuant to division I, sections 88 through 94, City Charter, and a petitioners' committee proposing the repeal of an ordinance by the referendum provisions of division I, sections 88 through 94, City Charter, shall constitute a

political committee under F.S. ch. 106, and shall register as provided in F.S. § 106.03, prior to soliciting and collecting any petition signatures, and shall file campaign finance reports as required by F.S. § 106.07, provided such committee anticipates receiving, or does receive, contributions in the aggregate in excess of \$100.00, and anticipates making, or does make, expenditures in the aggregate in excess of \$100.00.

- (c) The city commission may appropriate funds for the purpose of providing informational materials to the public in connection with any issue election, except for a recall election. The city commission shall not be considered a political committee as defined in F.S. § 106.01(1), and shall not be required to file reports of any such informational expenditures pursuant to F.S. § 106.07.
- (d) Any suspected or alleged violations of F.S. ch. 106, in connection with any issue election, shall be transmitted to the division of elections of the state department of state pursuant to the enforcement provisions of that chapter.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-63. - Election administration.

Any issue election called pursuant to this chapter shall be conducted and administered by the supervisor of elections under the direction of the city clerk, pursuant to the procedures set forth in applicable state law or section 30-96 et seq.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-64. - City Charter amendments.

Proposed amendments or revisions to the City Charter shall be proposed and submitted to the electors in accordance with F.S. § 166.031. To the extent not inconsistent with that statute, the provisions of this part shall otherwise apply.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-65. - Initiative.

- (a) Ordinances proposed by initiative shall be proposed and voted upon in the manner provided in division I, sections 88 through 94, City Charter, and this chapter.
- (b) The city clerk shall receive all filings required by the City Charter relating to initiative. For the purpose of this section, a filing shall be made as of the time of actual receipt or receipt by mail at the office of the clerk.
- (c) The petitioners' committee shall be considered a political committee within the definition of F.S. § 106.011(1), and shall comply with all registration, reporting, and campaign finance requirements of F.S. ch. 106.

(d)

Petition blanks shall consist of one sheet of paper, printed on only one side, entitled "City of Lakeland, Initiative Petition". The blank shall be in substantially the following form:

City of Lakeland
Initiative Petition

The petitioners' committee listed below is proposing an ordinance by initiative. A summary of the ordinance is as follows:

(summary of ordinance)

This proposed ordinance, if signed by 20 percent of the city's electors as of the last city election, will be presented to the city commission. If it is not adopted by the commission, it will then be submitted to the voters. If you approve of the ordinance and/or wish it to be submitted to the commission and the voters, please sign below, but only if you are a registered voter of the City of Lakeland.

Petitioners' Committee	_____ Elector's signature as appears on voter registration rolls
Name _____	_____ Home address
Name _____	_____ City zip code
Name _____	_____ Precinct number date (if known)
Name _____	
Name _____	

Circulator's Affidavit

I, the undersigned, personally circulated this paper, the one signature affixed was done in my presence, the signer had an opportunity to read the full text of the proposed ordinance, and I believe it to be a genuine signature.

	_____ Circulator
--	---------------------

Subscribed and sworn before me this ____ day of _____ A.D. 20__.

	_____ Notary
--	-----------------

Petition blanks for each issue shall be of a uniform size and shall be prepared at the expense of the petitioners' committee. No blanks may be circulated for signature prior to the filing of the affidavit by the petitioners' committee as required by division I, section 89, City Charter, and the approval of the form by the city clerk.

- (e) Upon the filing of an initiative petition, the city clerk shall determine if it is sufficient as to form, content, and circulator affidavits. If not, the clerk shall promptly issue an insufficiency certificate and mail it to the petitioners' committee by registered mail. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.
- (f) A petition deemed by the clerk to be sufficient as to form, content and circulator affidavits shall be promptly delivered to the supervisor of elections for verification of signatures pursuant to F.S. § 99.097; however, the random sample procedure of F.S. §§ 99.097(1)(b) and (2) shall not be used. The petitioners' committee shall pay the supervisor the fee for verification as required by F.S. § 99.097(4). The supervisor shall complete the verification no later than the 20th day following the date of the filing of the petition with the city clerk, and prepare a certificate, which shall be promptly delivered to the city clerk, stating the number of signatures checked, the number verified to be registered electors of the city, and the number of signatures determined not to be of registered electors of the city. Upon receipt of the certificate, the city clerk shall compare the number of verified signatures to the number equal to 20 percent of the registered electors of the city as of the last regular city election, and if the number of verified signatures exceeds the

requisite number, the city clerk shall issue a certificate of sufficiency, and transmit a copy by registered mail to the petitioners' committee, and deliver a copy of the certificate and the proposed ordinance to the members of the city commission.

- (g) If the city commission fails to adopt a proposed initiative ordinance without any change in substance within 45 days of issuance of the certificate of sufficiency by the city clerk, it shall, no later than the 45th day following issuance of the certificate of sufficiency, adopt a resolution calling an issue election to consider the proposed ordinance, and prescribing the ballot language in the manner provided in this part. The election shall be held not less than 45 days, nor more than 60 days after the approval of the resolution. Whenever possible, the election shall be held in conjunction with a regularly scheduled state or city election.
- (h) At any time prior to the 15th day preceding the election, no less than four members of the petitioners' committee may file with the city clerk a written request under oath for withdrawal of the initiative petition. Upon filing, the petition shall be considered withdrawn and no longer of any effect.
 - (1) If the city commission is considering the ordinance at the time of withdrawal, it may, in its discretion, continue such consideration. If an election has been called prior to the petition withdrawal, the city clerk shall, upon receipt of the request, transmit a notice thereof to the city commission and the supervisor of elections, and the city commission shall by resolution cancel the election.
 - (2) If at any time prior to, or on, the 60th day following issuance of the certificate of sufficiency, the city commission adopts the proposed initiative ordinance without any change in substance, and an issue election has previously been called for the electors to vote on that ordinance, the city commission shall by resolution cancel that election.
- (i) If an ordinance proposed by initiative is submitted to an election, it shall be adopted if a majority of the electors voting in that election approve the ordinance. It shall be adopted as of the date the results of the election are canvassed and certified by the city commission in the manner provided in section 30-126 et seq.
 - (1) The effective date of the ordinance shall be the date the election results are certified or on the date set forth in the ordinance, whichever is later.
 - (2) If two or more ordinances are approved at the same election, and in the opinion of the city attorney two or more such ordinances are in conflict, in whole or in part, the election results shall be canvassed and certified, but the ordinance in conflict receiving the largest number of affirmative votes shall be effective to the extent of the conflict, and the conflicting provisions of any other ordinance shall be considered repealed by the ordinance receiving the largest number of affirmative votes.

- (a) A referendum to repeal an ordinance previously adopted by the city commission shall be proposed and voted upon in the manner provided in division I, sections 88 through 94, City Charter, and this chapter.
- (b) The city clerk shall receive all filings required by the City Charter relating to referendum. For the purpose of this section, a filing shall be made as of the time of actual receipt or receipt by mail at the office of the clerk.
- (c) The petitioners' committee shall be considered a political committee within the definition of F.S. § 106.01(1), and shall comply with all registration, reporting and campaign finance requirements of F.S. ch. 106.
- (d) Petition blanks shall consist of one sheet of paper, printed on only one side, entitled "City of Lakeland, Referendum Petition". The blank shall be in substantially the following form:

City of Lakeland
Referendum Petition

The petitioners' committee listed below is proposing that Ordinance No. ____ adopted on _____ be repealed. A summary of the ordinance is as follows:

(summary of ordinance)

If this petition is signed by 20 percent of the city's electors as of the last city election, and the city commission fails to repeal, the voters of the city will vote whether to appeal. If you want the ordinance repealed and/or submitted to the voters, please sign below, but only if you are a registered voter of the city.

Petitioners' Committee	_____ Elector's signature as appears on voter registration rolls
Name _____	_____ Home address
Name _____	_____ City zip code

Name _____	_____ Precinct number date (if known)
Name _____	
Name _____	

Circulator's Affidavit

I, the undersigned, personally circulated this paper, the one signature affixed was done in my presence, the signer had an opportunity to read the full text of the ordinance sought to be reported, and I believe it to be a genuine signature.

	_____ Circulator
--	---------------------

Sworn and subscribed before me this _____ day of _____ A.D. 20____.

	_____ Notary Public
--	------------------------

Petition blanks for each ordinance sought to be repealed shall be of a uniform size and shall be prepared at the expense of the petitioners' committee. No blanks may be circulated for signature prior to the filing of the affidavit by the petitioners' committee as required by division I, section 89, City Charter, and the approval of the form by the city clerk.

- (e) Upon the filing of a referendum petition, the city clerk shall determine if it is sufficient as to timeliness, form, content and circulator affidavits. If not, the clerk shall promptly issue an insufficiency certificate and mail it to the petitioners' committee by registered mail. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.

(f)

A petition deemed by the clerk to be sufficient as to form, content and circulator affidavits shall be promptly delivered to the supervisor of elections for verification of signatures pursuant to F.S. § 99.907; however, the random sample procedure of F.S. §§ 99.097(1)(b) and (2) shall not be used. The petitioners' committee shall pay the supervisor the fee for verification as required by F.S. § 99.097(4) no later than the 20th day following the date of the filing of the petition with the city clerk, and prepare a certificate which shall be promptly delivered to the city clerk, stating the number of signatures checked, the number verified to be registered electors of the city, and the number of signatures determined not to be of registered electors of the city. Upon receipt of the certificate, the city clerk shall compare the number of verified signatures to the number equal to 20 percent of the registered electors of the city as of the last regular city election, and if the number of verified signatures exceeds the requisite number, the city clerk shall issue a certificate of sufficiency, and transmit a copy by registered mail to the petitioners' committee, and deliver a copy of the certificate and the proposed ordinance to the members of the city commission.

- (g) If the city commission fails to repeal an ordinance sought to be repealed by referendum within 45 days of issuance of a certificate of sufficiency by the city clerk, it shall, no later than the 45th day following issuance of a certificate of sufficiency, adopt a resolution calling an issue election and prescribing the ballot language in the manner provided in this part. The election on the proposed ordinance shall be held not less than 45 days, nor more than 60 days after the approval of the resolution. Whenever possible, the election shall be held in conjunction with a regularly scheduled state or city election.
- (h) At any time prior to the 15th day preceding the election, no less than four members of the petitioners' committee may file with the city clerk a request for withdrawal of the referendum petition. Upon filing, the petition shall be considered withdrawn and no longer of any effect. If the city commission is considering the ordinance at the time of withdrawal, it may, in its discretion, continue consideration. If an election has been called prior to the petition withdrawal, the city clerk shall, upon receipt of the petition, transmit a notice thereof to the city commission and the supervisor of elections, and the city commission shall by resolution cancel the election.
- (i) If an ordinance sought to be repealed by referendum is submitted to an election, it shall be repealed if a majority of the electors voting in that election approve the repeal. It shall be repealed as of the date the election is canvassed and certified by the city commission in the manner provided in section 30-126 et seq.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-67. - Recall.

- (a) The recall of a city commissioner shall be conducted pursuant to F.S. § 100.361.
- (b) The ballot language shall be that prescribed in F.S. § 100.361(3).
- (c)

The committee circulating petitions for recall shall be considered a political committee under F.S. ch. 106, and shall register as such pursuant to F.S. § 106.03 prior to receiving any contributions or making any expenditures seeking the recall election of any commissioner.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-68. - Bond authorization.

- (a) An election to approve the issuance of bonds or other forms of indebtedness shall be called and conducted pursuant to F.S. §§ 100.201 through 100.351, and this chapter to the extent not in conflict with state law.
- (b) No bond referendum shall be limited to voting by freeholders. Any registered elector residing within the city shall be qualified and eligible to vote in bond referenda, provided such elector has registered no less than 30 days prior to the date of the election.
- (c) Any person seeking to influence the results of a bond referendum shall register as a political committee pursuant to F.S. § 106.03 prior to receiving any contributions or making any expenditures relating to such referendum in excess of \$100.00 in the aggregate.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-69. - Involuntary annexation.

- (a) A referendum on the involuntary annexation of land adjacent to the corporate limits shall be held and conducted pursuant to F.S. § 171.0413, and the provisions of this chapter to the extent not inconsistent with the statute.
- (b) The city commission shall call an annexation referendum by the adoption of an ordinance describing the land to be annexed and setting the date for the election. A certified copy of the ordinance shall be delivered to the supervisor of elections by the city clerk. The ordinance shall be effective upon approval by both the electors of the city and the area sought to be annexed.
- (c) The annexation referendum election shall be administered by the supervisor of elections who shall report the results of the election as to both the city and the area sought to be annexed. The city commission shall serve as the canvassing board and certify the results of the election.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-70. - Straw ballot.

- (a) The city commission may at any time, by resolution, call a special election for the purpose of having the electors of the city vote on an issue in a nonbinding referendum. The resolution shall call the election, set the date therefor, and prescribe the ballot language. The city clerk shall cause a notice of election to be published in accordance with section 30-59.

- (b) The election may be held in conjunction with a regularly scheduled state or city election or at such other time as provided by the city commission.
- (c) The campaign finance provisions of F.S. ch. 106 shall apply to elections called pursuant to this section.
- (d) The city commission shall canvass and certify the results of the election as provided in section 30-126 et seq.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-71. - Other issues.

An election on any issue not otherwise provided for in this part shall be conducted in such manner as provided in the ordinance or resolution calling the election.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-72. - Prohibited practices.

- (a) Any person knowingly signing a petition more than one time shall be in violation of F.S. § 104.185.
- (b) Any circulator falsely executing the affidavit on any petition blank shall be in violation of F.S. § 104.011.
- (c) Any person who by bribery, menace, threat or other corruption whatsoever, directly or indirectly, attempts to, or does in fact, influence, deceive, or deter any elector, or in any way interferes with any elector, in the free exercise of his right to sign or not sign a petition, shall be guilty of a violation of this subsection and punishable as provided in section 1-14.
- (d) Any person who shall directly or indirectly give or promise anything of value to another intending thereby to buy that individual's or another's signature on a petition, or to corruptly influence another in signing or not signing a petition, shall be guilty of a violation of this subsection and punishable as provided in section 1-14.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-73. - Removal of names.

Any person may request the removal of his name from a previously executed petition prior to the filing of the petition with the city clerk. The responsibility for removal of any name pursuant to a request shall be that of the petitioners' committee and failure to promptly do so when requested shall be a violation of this subsection and punishable as provided in section 1-14.

(Ord. No. 5174, § 2, 7-6-10)

Secs. 30-74—30-95. - Reserved.

ARTICLE IV. - ELECTION ADMINISTRATION

Sec. 30-96. - Dates of elections.

- (a) Regular elections to fill the office of city commissioner shall be held in odd-numbered years, on the first Tuesday after the first Monday in November.
- (b) If no candidate receives a majority of the votes cast in the regular election, a runoff election between the two candidates receiving the largest number of votes for a seat shall be held in odd-numbered years, on the first Tuesday after the first Monday in December.
- (c) A special election to fill a vacancy in the office of city commissioner shall be held on the date set forth in the resolution by the city commission calling the election pursuant to division I, section 6, City Charter.
- (d) Issue elections shall be held on the date prescribed by applicable state law, resolution or ordinance calling the election.
- (e) Tie votes in any election shall be resolved in accordance with F.S. § 100.181.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-97. - Precincts.

- (a) Those precincts approved by the board of county commissioners pursuant to F.S. § 101.001, lying within the corporate limits of the city, are hereby designated as the city precincts to be used in any and all city elections. This subsection constitutes the concurrence of the city to the conforming of the precinct boundaries to the boundaries of the city, per F.S. § 101.002.
- (b) The city clerk shall see that a certified copy of any annexation ordinance approved by the city commission is sent to the supervisor of elections. Precinct boundaries may be altered to conform to the municipal boundaries as changed due to annexation.
- (c) If a precinct boundary was unable to be altered to conform to annexation by the date of a city election, any qualified elector residing within the area annexed shall be eligible to vote in the city election.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-98. - Polling places.

- (a) Those polling places designated and used by the supervisor of elections shall be used for city elections. A polling place may serve more than one precinct so long as notices are provided to voters whose polling place for general elections changes.

- (b) Whenever necessary, polling place locations may be temporarily changed in the manner provided in F.S. §§ 101.71(2) and (3) and 101.74. The supervisor of elections shall consult with the clerk prior to relocating any polling place in a city election.
- (c) Each polling place shall, whenever possible, be accessible to the handicapped and comply with the standards of accessibility set forth in F.S. § 101.715(1).

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-99. - Voting machines.

- (a) Voting machines shall be used in each city election. The machines shall be owned by the county and supplied by the supervisor of elections, unless the city is using machines on an experimental basis as authorized by F.S. § 101.32.
- (b) The number of voting machines in each precinct for city elections shall be determined by the supervisor of elections after consulting with the city clerk. In making such determination, the supervisor shall consider the traditional voting patterns and turnout in each precinct for a city election and furnish the number of machines necessary to handle efficiently the anticipated number of voters in that precinct for a city election. The number to be used in each precinct shall be posted in a conspicuous place in city hall and shall be reported to the city commission.
- (c) The voting machines to be used in a city election shall be prepared by the supervisor of elections in accordance with F.S. ch. 101.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-100. - Ballots.

- (a) The form of the ballot in elections for city commissioner shall be in substantially the same form as the form of the ballot for the state general election ballot prescribed in F.S. § 101.151.
- (b) Candidates shall be grouped together on the ballot by district, and within each district in alphabetical order by the last name of each candidate. Those candidates running at large shall be grouped together by the particular seat being sought.
- (c) Ballots shall be prepared by the supervisor of elections pursuant to instructions from the city clerk and in accordance with state law and this chapter.
- (d) A sample ballot shall be published in a newspaper of general circulation prior to the day of the election, but no more than ten days prior to the election. The city clerk shall see to the publication of the sample ballot. Such publication shall be conspicuous and not be included within the legal notices and advertisements being published per F.S. ch. 50.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-101. - Poll workers.

- (a) At each polling place there shall be a sufficient number of poll workers to handle the anticipated number of voters. The supervisor of elections and city clerk shall determine the necessary number and report it together with the names of the poll worker to the city commission prior to the date of the election. The city commission shall appoint the poll workers for any city election; provided, however, when a city election is held in conjunction with a state election conducted by the supervisor of elections, the poll workers shall be those appointed by the supervisor of elections.
- (b) All poll workers for a city election shall have completed training classes conducted by the supervisor of elections.
- (c) One poll worker in each precinct shall be designated the precinct clerk and shall be in charge of, and responsible for, the conduct of the election at that polling place.
- (d) At a city election not held in conjunction with a state election, a deputy sheriff shall not be appointed for each polling place.
- (e) Poll workers shall conduct the election, and at the close of the polls ascertain the results for that precinct in the manner provided in F.S. chs. 101 and 102, to the extent not inconsistent with this chapter, and report the results in the manner directed by the city clerk. Electors shall cast their votes in the manner provided in F.S. ch. 101.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-102. - Absentee voting.

- (a) An elector may request an absentee ballot and cast an absentee vote in any city election.
- (b) An absentee ballot may be requested in the manner provided in F.S. § 101.62, and voted in accordance with F.S. §§ 101.64 through 101.67.
- (c) Absentee ballots for any city election must be requested from, and returned to, the supervisor of elections, and received and kept in the same manner as provided in F.S. § 101.67.
- (d) Absentee ballots shall be canvassed by the city commission in the manner provided in F.S. § 101.68.

(Ord. No. 5174, § 2, 7-6-10)

Secs. 30-103—30-125. - Reserved.

ARTICLE V. - CANVASSING; PROTESTS AND CONTESTS

Sec. 30-126. - Canvassing board.

- (a) For any city election, the city commission shall be the canvassing board. No commissioner may participate in the canvassing of the returns of the election for the seat for which he was a candidate, or was subject to recall.
- (b) The commission shall convene as a canvassing board on election night. At that time the city clerk shall present the returns by precinct and seat or issue. Absentee ballots shall be opened and counted or rejected at that meeting. Any action by the canvassing board shall require a majority vote of those qualified to serve on the canvassing board.
- (c) The commission shall convene again as a canvassing board no later than the third business day following the election. Provisional ballots shall be opened and counted or rejected at that meeting. The precinct and race shall be selected for the post-election audit.
- (d) The commission shall canvass the returns in accordance with F.S. § 102.141(3), and canvass absentee ballots in accordance with F.S. § 101.68.
- (e) At such time as the commission has canvassed the returns, disposed of any challenges thereto, and ascertained and certified the results, the city clerk shall issue a certificate of election to each candidate elected and issue and file a certificate of election for each issue.

(Ord. No. 5174, § 2, 7-6-10; Ord. No. 5664, § 1, 10-2-17)

Sec. 30-127. - Recounts.

- (a) In its discretion, the city commission, as the canvassing board, may order a recount of the returns of any election prior to the final certification of the results.
- (b) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a commissioner subject to recall was retained or not retained by one-half of a percent or less of the votes cast on the question of recall, or that an issue appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the canvassing board shall order a recount of the votes cast with respect to such office or issue. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated, recalled, or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. The canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.
- (c)

Upon request of any candidate for good cause shown, the canvassing board may, prior to the final certification of results, order a recount in whole or in part of the election in which that candidate participated. Upon request of any elector for good cause shown, the canvassing board may, prior to final certification of results, order a recount of any issue election.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-128. - Reserved.

Editor's note— Ord. No. 5174, § 2, adopted July 6, 2010, deleted § 30-128, entitled "Protest", and derived from Code 1960, § 11.53.

Sec. 30-129. - Contest.

- (a) An unsuccessful candidate may contest the results of the election in which he participated as provided in F.S. § 102.168.
- (b) A taxpayer of the city may contest the results of any question or issue submitted to a vote of the electors as provided in F.S. § 102.168.
- (c) If the unsuccessful candidate filing a contest is determined to be entitled to the office, and some other individual has been issued a certificate of election or entered upon the duties of the office, a judgment of ouster may be entered by the circuit court and the contestant shall assume that office.
- (d) If a judgment is entered setting aside an issue election, the election shall be regarded as having been void.

(Ord. No. 5174, § 2, 7-6-10)

Secs. 30-130—30-150. - Reserved.

ARTICLE VI. - UNFAIR CAMPAIGN PRACTICES

Sec. 30-151. - Policy.

It is hereby declared to be the policy of the city that all elections shall be conducted in a proper, orderly and fair manner so as to permit the will of the electorate to be determined. Campaigns for elective city office shall be on a nonpartisan basis with the qualifications and positions of the respective candidates, not party affiliation, being the basis for the voters' choice. Likewise, issue elections shall be conducted in a manner so as to permit the free and robust exchange of ideas and opinions, yet avoiding unfair and improper campaign tactics which abuse the open debate so vital to our democratic concept of government.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-152. - Unfair campaign practice.

- (a) It shall be an unfair campaign practice for a candidate to elective city office, or an agent or authorized representative thereof on the behalf of such candidate, to:
 - (1) Campaign by way of announcements, publications, or other forms of political advertising, as a registered member of any political party;
 - (2) Campaign by way of announcements, publications, or other forms of political advertising in such a manner as to indicate that such candidate is not a registered member of a particular political party;
 - (3) Solicit or accept contributions, or open assistance or support, from any partisan political club or association affiliated with any political party, or from any political party; or
 - (4) Participate in any partisan political party function; provided, however, that such candidate, or agent thereof, may register and vote as a member of a political party, and may attend and speak at a political party function or event, provided all candidates for city office have been invited and permitted to participate in the same manner and to the same extent.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-153. - Prohibited acts and practices.

Those acts and practices prohibited in F.S. ch. 104 shall be prohibited in all elections conducted pursuant to this chapter, and shall be punishable as provided in F.S. ch. 104.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-154. - Signs.

- (a) Political campaign signs shall be placed and removed in accordance with the provisions of the sign ordinance of the city.
- (b) The unauthorized alteration, destruction or removal of a political sign of a candidate or political committee, other than its removal by a city employee enforcing the city sign ordinance, as amended, or a state employee enforcing F.S. § 479.22; shall constitute an unfair campaign practice and a municipal ordinance violation punishable as provided in section 1-14.

(Ord. No. 5174, § 2, 7-6-10)

Sec. 30-155. - Misuse of official position.

- (a) No officer or employee of the city, except as hereinafter exempted from the provisions of this section, shall:

- (1) Use his official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof;
 - (2) Directly or indirectly coerce or attempt to coerce, command or advise any other officer or employee to pay, lend, or contribute any part of his salary, any sum of money, or anything else of value to any political party, committee, organization, agency, or person for political purposes; provided, however, nothing in this subsection shall prohibit a city employee from suggesting to another city employee in a noncoercive manner that he may voluntarily contribute to a fund which is administered by a political party, committee, organization, agency, person, labor union or other organization for political purposes; or
 - (3) Directly or indirectly coerce or attempt to coerce, command and advise any city officer or employee as to where he might purchase commodities or to interfere in any other way with the personal right of such officer or employee for, or as a result of, political purposes.
- (b) The provisions of this section shall not be construed so as to prevent any city officer or employee from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express opinions on any political subject and candidate. The provisions of subsection (a)(1) of this section shall not be construed so as to limit the political activity in general, special, primary, bond, referendum or any other election of any kind or nature, of elected officials or candidates for office in the city.
- (c) Nothing contained in this section or in the City Charter shall be deemed to prohibit any public employee from expressing his opinions on any candidate or issue or from participating in any political campaign during his off-duty time so long as such activities are not prohibited by this section.
- (d) Any officer or employee of the city using his official position to support or oppose a candidate for city elective office shall be guilty of an unfair campaign practice and a municipal ordinance violation punishable as provided in section 1-14, provided that this subsection shall not prohibit public endorsements or other expressions of support or opposition.

(Ord. No. 5174, § 2, 7-6-10)

Secs. 30-156—30-175. - Reserved.

ARTICLE VII. - CAMPAIGN FINANCES

Sec. 30-176. - Application of state law.

- (a) Any candidate for elective city office, including an elected officer sought to be recalled, is subject to, and shall comply with, the provisions of F.S. ch. 106.

- (b) Any group, club, association or other combination of persons having a collective capacity receiving contributions or making expenditures in excess of \$100.00, seeking to influence the results of a city election constitute a political committee within the definition of F.S. § 106.011(1), and shall register and report as such pursuant to, and be subject to, F.S. ch. 106.
- (c) Any individual making independent expenditures in a city election as defined in F.S. § 106.11(5), in the amount of \$100.00 or more shall be subject to, and comply with, F.S. § 106.071.
- (d) Violation of F.S. ch. 106 shall be enforced in the manner provided by state law.

(Ord. No. 5174, § 2, 7-6-10)

DE 89-02 - April 5, 1989

Anonymous Contributions
Sections 106.07(4)(A), 106.08 (2) and 106.141, F.S.

To: Ms. Dorothy J. Dunn, City Clerk, City of Sunrise, 10770 West Oakland Park Boulevard, Sunrise, Florida 33351

Prepared by: Division of Elections

This is in reference to your March 10, 1989 letter regarding the Division's recommended policy for receiving or handling anonymous contributions and the recommended disposition for anonymous contributions.

The Division of Elections has authority under Section 106.23(2), Florida Statutes, to issue advisory opinions to several categories of persons including local officers having election-related duties. Therefore, we have authority to issue an advisory opinion to you.

The Campaign Finance Act, Chapter 106, Florida Statutes, does not provide for anonymous contributions to candidates. Section 106.07(4)(a), Florida Statutes, requires that for each contribution received, the campaign treasurer must indicate the name and address of the contributor and if the contribution is more than \$100, the occupation of the contributor must be listed.

However, occasionally a candidate finds himself in the difficult situation of receiving an anonymous contribution and since it is not known who made the contribution, it is impossible for the candidate to return it.

The focus of the Campaign Finance Act is to provide full disclosure of who is making contributions to candidates and how a candidate is spending his money. Anonymous contributions violate the spirit of the "Who Gave It, Who Got It" law and while the Division certainly does not want to encourage anonymous contributions, we do realize that on occasion this problem presents itself and that the candidate needs directions as how to handle it.

When a candidate receives an anonymous contribution, the candidate must report the contribution on the candidate's campaign treasurer's report as an anonymous contribution and include a cover letter explaining that the contribution is anonymous and, therefore, impossible to return. In addition, a copy of the letter to the filing officer should be sent to the Division of Elections for the Florida Elections Commission file. To violate Chapter 106, Florida Statutes, except for automatic fine provisions for late reports, there must be a willful violation. In reporting the contribution in this manner and supplying the supplemental information, the candidate is negating the willful intent of violating Chapter 106, Florida Statutes.

Other sections of the code, such as Section 106.08(2), Florida Statutes, provide that when an

unauthorized contribution is received, it may not be used by the candidate and must be returned to the contributor. Therefore, we recommend that the candidate not spend an anonymous contribution. Since it is impossible to return the contribution to the contributor, we recommend that at the end of the campaign, the candidate donate the amount of the anonymous contribution to an appropriate entity under Section 106.141, Florida Statutes. In doing this, the candidate will not encourage other contributors to make anonymous contributions to a candidate's campaign.

SUMMARY

When a candidate receives an anonymous contribution, he should report the contribution on the candidate's campaign treasurers' report as an anonymous contribution. A cover letter should accompany the report explaining that the contribution is anonymous and, therefore, impossible to return. A copy of this letter should be sent to the Division of Elections for the Florida Elections Commission file. We recommend that the candidate not spend the contribution and at the end of the campaign, donate the amount of the anonymous contribution to an appropriate entity under Section 106.141, Florida Statutes.

June 1, 2006

The Honorable Ion Sancho
Leon County Supervisor of Elections
P.O. Box 7357
Tallahassee, Florida 32314-7357

RE: DE 06-07
Contributions by Trusts: §§
106.011(8) and 106.08(1)(a), Florida
Statutes

Dear Mr. Sancho:

This is in response to your request for an advisory opinion. You are the Supervisor of Elections for Leon County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you.

You have asked essentially the following question:

Would an individual's revocable trust be able to donate to a political campaign of a candidate in addition to the individual making a contribution to the legal limit of \$500?

The short answer to your question is yes.

Section 106.08(1), Florida Statutes, prescribes the limitations with regard to contributions to candidates and states:

Except for political parties, **no person**, political committee, or committee of continuous existence **may, in any election, make contributions in excess of \$500 to any candidate for election to or retention in office** or to any political committee supporting or opposing one or more candidates. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section. [Emphasis added.]

Additionally, section 106.011(8), Florida Statutes, defines a "person" as:

The Honorable Ion Sancho
June 1, 2006
Page 2

An individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, **trust**, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, political committee, or committee of continuous existence. [Emphasis added.]

For purposes of Chapter 106, the individual person and the trust would be considered separate entities. The statute recognizes the trust as a “person” authorized to make political contributions in the same manner as natural persons and makes no distinction between revocable and irrevocable trusts. Therefore, both the individual and the trust could each give up to \$500 to the same candidate.

SUMMARY

An individual person and the same individual’s revocable trust are considered to be separate entities for the purpose of giving contributions to candidates under Chapter 106, Florida Statutes, and could each give up to \$500 to the same candidate.

Sincerely,

Dawn K. Roberts
Director, Division of Elections

Prepared by:
Sharon D. Larson
Deputy General Counsel

DKR/SDL/lmg

DE 00-03 - February 8, 2000

Use of Debit and Credit Cards for Campaign Contributions and Expenditures
§ 106.011, Fla. Stat. (1999)

*TO: The Honorable David C. Leahy, Supervisor of Elections, Miami-Dade County Elections Office,
111 NW 1 Street, Suite 1910, Miami, Florida 33128-1962*

Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding the use of debit and credit cards for campaign contributions and expenditures. You are the Supervisor of Elections for Miami-Dade County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you. You essentially ask the following:

- 1) May a candidate, political committee or political party accept campaign contributions via credit card or debit card?
- 2) May a candidate, political committee or political party make expenditures using a debit card?

The answer to your first question is yes. In Division of Elections Opinion 90-15, the Division opined that a campaign contribution in excess of \$100 by means of a money order or travelers check could be accepted as long as the name, address, etc. of the contributor was duly reported. Part of the reasoning behind this opinion was that while cash and cashier's checks were specifically prohibited, the aforementioned instruments were not. See *Thayer v. State*, 335 So.2d 215 (Fla. 1976) (where a statute enumerates things which are prohibited, those things not expressly mentioned are permitted).

In Division of Elections Opinion 90-40, the Division opined that the Florida Democratic Party, and its candidates, could accept campaign contributions by credit card. The Division recognized that "the use and acceptance of bank credit cards as a convenient substitute for cash has expanded tremendously over the past 2 decades." The Division noted that statutes which regulate contributions should not be interpreted in a way which infringe on First Amendment freedoms more than necessary in order to protect the state's interest in disclosure. Using this rationale, the Division again reasoned that as long as the disclosure requirements of chapter 106, Florida Statutes, were complied with, use of a credit card was not improper.

Like credit cards, the use of bank debit cards as a convenient way of making purchases has expanded to a common everyday occurrence. Further, accepting contributions via credit or debit card is not specifically prohibited by chapter 106, Florida Statutes. Based upon the same rationale set forth in DE 90-40, the Division concludes that as long as the disclosure requirements of chapter 106, Florida Statutes, are met, a candidate, political committee or political party may accept campaign contributions via credit card or debit card. (See also Informal Opinion of Emmett Mitchell, IV, dated July 21, 1999, attached.)

With regard to your second question, the answer is yes. Section 106.11(1), Florida Statutes, provides in pertinent part:

The campaign treasurer or deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of bank check drawn upon the campaign account of the candidate or political committee.

Section 106.11(1)(a)-(e), Florida Statutes, also provides that checks written for campaign expenditures must indicate that the check is from a campaign account and contain the exact amount of the expenditure, the signature of the campaign treasurer or deputy treasurer, the exact purpose for which the expenditure is authorized, and the name of the payee.

It is a general rule of statutory interpretation that statutes are designed for application to new conditions and circumstances as they may be developed by enlightened commercial and business intercourse if they are within the scope and remedial intent of existing provisions and principles. *49 Fla. Jur. 2d, Statutes § 122* (1998). A statute may be held to apply to new situations, cases, conditions, methods, entities, etc. that come into existence after a statute becomes effective. *State v. Jacksonville*, 50 So.2d 532 (Fla. 1951).

Pursuant to this rule of statutory interpretation, it is clear that using a debit card, which is actually an "electronic check," to make campaign expenditures is within the scope of section 106.11(1), Florida Statutes. Further, the transaction document used for a debit card purchase will usually indicate the account name and number, the items purchased, the name of the payee, the date and time of the transaction, and will have the signature of the person using the debit card. Thus, a debit card transaction meets the informational requirements of a traditional bank check set forth in section 106.11(1)(a)-(e), Florida Statutes.

The language in section 106.11(1), Florida Statutes, regarding making expenditures "only by means of a bank check" was adopted by the legislature and became law in 1977. Significant changes in the way the average person conducts business have occurred since this time. Therefore, it is the Division's opinion that section 106.11(1), Florida Statutes, should be interpreted in light of new conditions and circumstances to allow the use of electronic checks along with the traditional bank check for campaign expenditures.

SUMMARY

A candidate, political committee or political party may accept contributions via a credit card or debit card. A candidate, political committee or political party may use a debit card to make campaign expenditures.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

June 2, 2009

Ms. Susana Gomez
Campaign to Re-Elect Scott J. Silverman
10 SW S. River Drive, #808
Miami, Florida 33130

RE: DE 09-03
Campaign Financing – Soliciting and
Receiving Contributions via Pay Pal
§§ 106.05 and 106.08(5), Florida Statutes

Dear Ms. Gomez:

This letter responds to your request for an advisory opinion. As a campaign treasurer for a candidate, you are a person engaged in political activity; therefore, the Division of Elections has authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2008), concerning your compliance with Florida's election laws. You inquire about a campaign's solicitation of contributions via Pay Pal and the depositing of those contributions into the campaign depository.

First, you seek clarification regarding that portion of *Division of Elections Opinion 08-07* (June 12, 2008), which states: "[C]ampaigns may use an online payment service organization, like Pay Pal, on the campaign's website to receive its own campaign contributions." The campaign for which you are the treasurer desires to use a bulk emailing service company to distribute campaign emails with a Pay Pal icon embedded in the emails on which persons may click to make contributions to the campaign, rather than merely relying on a Pay Pal icon being on the campaign's website. You wish to know if the emails would be permitted.

The short answer to this inquiry is "yes." The reason that we emphasized the phrase "on the campaign's website" in *Division of Elections Opinion 08-07* (June 12, 2008) was to clearly distinguish it from *Division of Elections Opinion 08-03* (March 24, 2008) in which a third-party sought to solicit contributions for candidates into its own depository via a third-party's website. Thereafter, the third-party would periodically send the contributions to the candidates. We deemed that situation to be a violation of the Election Code's prohibition that one may not make a contribution through another. § 106.08(5), Fla. Stat. (2008). Although in your scenario the campaign would be using the services of a bulk emailer, it is the campaign's emails that are being distributed and it is the campaign's Pay Pal account being accessed, not a third-party organization's account. Your situation is akin to hiring a bulk mail service company to send out

Ms. Susana Gomez
June 2, 2009
Page 2 of 2

political advertisements for the campaign and soliciting contributions via the advertisements. In your case, the solicitation of contributions is being made through the campaign's own Pay Pal account embedded in the campaign's email, not through some third-party's account for later distribution to the candidate's depository. As such, your situation does not violate the campaign financing provisions of the Election Code.

Second, you seek an interpretation concerning section 106.05, Florida Statutes (2008), as it relates to the receipt of contributions via Pay Pal. That statute, in part, provides: "Except for contributions made to political committees made by payroll deduction, all deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each." In the typical Pay Pal scenario, Pay Pal sends an electronic transfer of contribution funds to the candidate's campaign account, but there is no "bank deposit slip." However, Pay Pal provides the campaign a list identifying the full name of the each contributor, the amount contributed, and the date the contribution was transferred to the campaign depository. If the campaign treasurer maintains the list provided by Pay Pal, you ask if this would satisfy the statutory requirements of section 106.05, Florida Statutes (2008). We recognize the complexities of the modern banking world and the widespread use of "wire" or electronic transfers of funds in lieu of traditional check deposits. Having approved the use of Pay Pal for candidates to receive contributions, we also approve the use of the individualized Pay Pal listing of contributions you have described as a substitute for a "bank deposit slip" when "wire" or electronic transfers are involved. We believe that such a list satisfies the legislative intent to ensure that deposits going into a campaign depository are specifically identified and traceable by the name of the contributor and the amount each contributor donated.

SUMMARY

A campaign may solicit donations through its emails with a Pay Pal icon embedded in the email which recipients may click on to make contributions to the campaign via Pay Pal. Section 106.05, Florida Statutes (2008), which requires a bank deposit slip with the contributor's name and contribution amount when funds are deposited in a campaign depository, is satisfied when Pay Pal electronically transfers funds into a candidate's campaign depository and Pay Pal provides the campaign a list identifying the name of each contributor, the amount contributed, and the date the contribution was transferred electronically to the campaign depository, which list is then maintained by the campaign treasurer.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Palmer", with a long horizontal line extending to the right.

Donald L. Palmer
Director, Division of Elections

DE 78-23 - May 18, 1978

Contributions In-Kind

ss. 106.011, 106.021, 106.055, 106.07, 106.08, 106.011, 106.14, F.S. (1977)

To: Honorable Ralph D. Turlington, Commissioner of Education, P.O. Box 1393, Tallahassee, Florida 32302

Prepared by: Division of Elections

By your letter of April 20, 1978, an advisory opinion of this office was requested in answer to the following question:

"May a person subject to the limitations provided in s. 106.08, F.S., lawfully contribute the cost of events such as breakfasts, luncheons, dinners, receptions, etc., to a candidate for public office as an in-kind contribution?"

I assume by your question that you are referring to a situation in which a person hosting such an event as described in your question pays all or a portion of the cost of such meal or reception rather than making a monetary contribution in the amount of the cost of the event. Such being the case, your question is answered in the affirmative.

The Election Code of this state defines "contribution" as

"(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.

(b) A transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence.

(c) The payment by a person other than a candidate or political committee or compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

Notwithstanding, the foregoing meanings of 'contribution,' the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee." s. 106.011(3), F.S. (e.s.).

Thus as seen in this definition, the concept of in-kind contribution is specifically identified and authorized. It must be noted that as with all contributions, it must be campaign-related.

An in-kind contribution is defined as that "having an attributable monetary value in any form." Id. The

standard and procedure to be followed in determining the value of such a contribution is provided by law. A 1977 amendment to the campaign financing law provides:

"Any person who makes an in-kind contribution shall, at the time of making such contribution, place a value on such contribution, which valuation shall be the fair market value of such contribution." s. 106.055, F.S.

The in-kind contribution must be reported by the campaign treasurer in the report required by s. 106.07, F.S. The law provides that certain information regarding the contributor be included in the report, s. 106.07(4)(a), F.S. The date the contribution was made and received by the treasurer (or his deputy) must be reported. As the statute set out above indicates, the value of an in-kind contribution must be determined at the time the contribution is made. This is the date on which it is the intent of the contributor to irrevocably turn over the benefit and use of the item to the candidate's campaign.

All contributions, in whatever form, must be made or received through the duly appointed campaign treasurer, s. 106.021(3), F.S. This language refers to all contributions as defined in s. 106.011(3), F.S. An in-kind contribution must therefore be promptly reported to the treasurer and a valuation placed on it by the contributor at that time. Such prompt reporting satisfies the making of the contribution through the treasurer.

The concept of in-kind contributions and the reporting of such has been considered by the courts of this state on one occasion in the case of Smith v. Ervin, 64 So.2d 166 (Fla. 1953). There the Supreme Court was asked to consider the constitutionality of s. 99.161, F.S. (1951), which, as adopted by the legislature in the 1951 election code revision, required reporting of contributions and expenditures by candidates, including contributions of "anything of value," which were required to be made through the campaign treasurer, s. 99.161(4), F.S. (1951). This statute, part of the original "who gave it, who got it law," is the predecessor to the current ch.106 provision.

The particular facts of the Smith case involved the donation of radio air time by the owner of a radio station to a particular candidate for public office. Exclusively at issue was the application of the election code to this contribution, as no "equal time" question under the Communications Act of 1934 was raised.

The court adopted the language of the circuit court stating:

"The owner or operator of a radio station if not otherwise prohibited may give time on the air to a candidate for public office or other citizen to express his views, in the furtherance of a candidacy, provided such advertising time is given as a contribution of a thing of value to the candidate, and recorded and reported as such. In any such case in which a gift of time on a radio is made, in order to comply with the intent of Section 99.161(4)(a), the owner of the radio station must make the gift through the treasurer of the candidate who is to be benefited by the use of the time and be listed as a contribution of radio time in the amount of the value of such time." Smith v. Ervin, 64 So.2d 166, 167 (Fla. 1953).

As can be seen the concept of in-kind contributions has long been recognized in this state. The law clearly contemplates the practical reality that a person may desire to give something of value rather than give money to the campaign. However, in-kind contributions are not intended to be utilized in place of direct expenditures to the vendor from the campaign account by check. See ss. 106.011 and 106.14, F.S.

An in-kind contribution is somewhat of an exception to s. 106.14(1), F.S., which otherwise requires payment from the campaign account directly to the provider of the good or service prior to the receipt and use of such good or service. Such direct expenditures clearly reflect to whom the candidate's "business", so to speak, went. Therefore, it is urged that in-kind contributions should be reported to the campaign treasurer in such a manner so as to clearly identify the provider.

The election code imposes no requirement of possession prior to the formation of the general intent to contribute. However, specific intent to do so must preclude the actual contribution and it must be promptly reported. Something cannot be provided to a campaign with an expectation of payment and later be considered an in-kind contribution.

The payment by another person as contained in your question constitutes a contribution of something of value by that person. In actuality the person is paying for the meal and in turn contributing the meal to your campaign. In so doing it is an in-kind contribution totaling the value of your meal, plus those of any others accompanying you, provided the contributor paid for those as well. You should take care that your campaign treasurer is promptly notified of the contribution, the contributor, the amount, and for what purpose. In-kind contributions are subject to the limitations in s. 106.08, F.S.

Accordingly, based on the foregoing discussion, you may accept as contributions in-kind the payment of the cost of certain meals and receptions, which are campaign-related.

SUMMARY

The cost of campaign-related meals, receptions, and other functions may be paid by someone other than the treasurer as an in-kind contribution to the campaign. The campaign treasurer must be promptly notified of the contribution and report it in the next campaign treasurer's report. An in-kind contribution is subject to the total contribution limitations of s. 106.08, F.S.

What do I do if I mistakenly use a campaign debit card for a personal expense?

This came up in 2017. Kelly Koos called the Division of Elections and received the following advice:

Because the initial expense was not a campaign expense, the candidate would not report the expense on their campaign report even though the money was taken from the campaign account.

The Candidate should reimburse the campaign account for the amount spent. Because the reimbursement was not a contribution, it would not be reported on the campaign report.

The Candidate should write a letter to the Qualifying Officer explaining what happened. The letter will serve as documentation should anyone question the expense later.

DE 01-02 - April 4, 2001

**Use of the Word "Re-elect" in Political Advertisements
§ 106.143(5), Florida Statutes**

*To: The Honorable David C. Leahy, Supervisor of Elections, Miami-Dade County Elections Office,
111 NW 1 Street, Suite 1910, Miami, Florida 33128-1962*

Prepared by: Division of Elections

Dear Mr. Leahy:

This is in response to your request for an advisory opinion regarding the use of the word "re-elect" in political advertisements. You are the Supervisor of Elections for Miami-Dade County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you. You ask:

Can a candidate who is presently occupying an office for which he or she is running for re-election use the word 're-elect' in political advertisements if that candidate attained the office through appointment?

The answer to your question is yes. Section 106.143(5), Florida Statutes, provides, in pertinent part:

No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word 're-elect.'

The word "incumbent" is not defined in the election code. Black's Law Dictionary defines "incumbent" as "a person who is in present possession of an office." See Black's Law Dictionary 691 (5th ed. 1979). A person appointed to an office is the incumbent. Therefore a candidate who is presently in possession of an office to which he was appointed and for which he is running for re-election may use the word "re-elect" in a political advertisement. See also DE 90-47 (December 18, 1990).

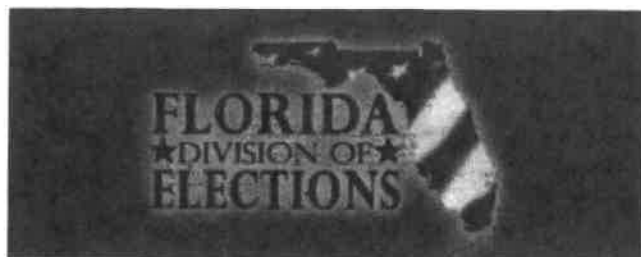
I trust this is responsive to your inquiry.

Sincerely,

L. Clayton Roberts
Director, Division of Elections

Prepared by:
Amy K. Tuck
Assistant General Counsel

LCR/AKT/st



Candidate & Campaign Treasurer Handbook, Page: 22

Foreign Contributions

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at <http://www.fec.gov>.

DE 00-01 - January 21, 2000

**Deadline for Accepting Campaign Contributions
§106.08(3)(a), Fla. Stat., Ch. 77-175, s. 48, Laws of Fla.**

TO: The Honorable Alex Diaz de la Portilla, 1481 N.W. 22nd Street, Miami, Florida 33142

Prepared by: Division of Elections

This opinion is pursuant to your request for an advisory opinion from the Division of Elections regarding the "cut-off" date for accepting campaign contributions. You are a candidate for State Senate District 34. Therefore, pursuant to section 106.23(2), Florida Statutes, the Division has authority to render this opinion to you. You have asked:

What is the last day on which a candidate with opposition can receive campaign contributions for a Tuesday election pursuant to the plain meaning of section 106.08(3)(a), Florida Statutes?

Section 106.08(3)(a), Florida Statutes, reads:

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or deputy campaign treasurer of such candidate on the day of that election or less than five days prior to the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

The answer to your specific question requires the interpretation of the phrase "on the day of that election or less than five days prior to the day of that election." That language was adopted by the legislature and became law in 1977. *Ch. 77-175, s. 48, Laws of Fla.*

In 1978, the Division of Elections issued two opinions interpreting this language. DE 78-44 and DE 78-45. In Division of Elections Opinion 78-44, the Division stated,

[t]he cut-off of contributions for all candidates, including those unopposed, is the fifth day preceding the general election. In 1978, no contributions may be received by any candidate, campaign treasurer, or deputy campaign treasurer later than the fifth day before the general election, or November 2, 1978."

The effect of this opinion was to construe the language of section 106.08(3)(a), Florida Statutes, to mean that for a Tuesday election the deadline for receiving a contribution is midnight on the Thursday preceding that election.

In Division of Elections Opinion 78-45, the Division stated, "any candidate may not receive contributions after the fifth day preceding an election in which he or she participates regardless of whether or not the candidate's name actually appears on the ballot."

This interpretation of section 106.08(3)(a), Florida Statutes, was extant until Division of Elections

Opinion 97-03, in 1997. In this opinion, the Division interpreted section 106.08(3)(a), Florida Statutes, to mean that, "any contribution received after midnight of the day prior to the fifth day (midnight Wednesday) is a contribution received less than five full days preceding the election on Tuesday." (Emphasis added.) It must be noted that while DE 97-03 offered an interpretation that was inconsistent with DE 78-44 and DE 78-45, neither of the 1978 opinions were specifically rescinded by DE 97-03. The existence of valid but inconsistent opinions creates a potential for confusion among candidates who are in good faith trying to comply with the election laws.

After review of the interpretations of section 106.08(3)(a), Florida Statutes, set forth in the 1978 opinions and the 1997 opinion, the Division hereby rescinds DE 97-03. As indicated above, the language of this section has been in effect since 1977. The Division is unaware of any statutory changes or case law interpreting this section that would have required the Division to amend the interpretation of section 106.08(3)(a), Florida Statutes, set forth in DE 78-44 and DE 78-45. Further, the interpretation of this section in these opinions is consistent with the general rules of statutory construction discussed below.

In the computation of time, it is a general rule that a day is to be considered an indivisible unit or period of time. Fractions of a day are not considered in the computation of time and the day on which an act is done must be excluded or included in its entirety. *See Op. Atty. Gen. Fla. 57-132 (1957) and 55 Fla. Jur. 2d, Time § 11 (1984)*. Using this rule of computation, the time period "less than 5 days" would begin on the fourth full day prior to the election.

It is also a general rule of statutory construction that penal statutes must be strictly construed in favor of the person accused of violating the statute. A strict construction is a narrow construction, confirming the operation of the statute to matters affirmatively, definitely, or specifically within its terms, or to cases that fall fairly within its letter or the plain import of its language. *49 Fla. Jur. 2d, Statutes § 187 (1984)*. As a violation of section 106.08(3), Florida Statutes, may result in criminal prosecution, it is a penal statute. *See § 106.08(7)(a), Fla. Stat.* Under a narrow construction of section 106.08(3)(a), Florida Statutes, contributions received on the fifth day prior to an election are not contributions received "less than five days" prior to the election.

Finally, it is a general rule of statutory construction that where a statute is clear and unambiguous, a court or agency is not free to add words to steer it to a meaning and a limitation which its plain wording does not supply. *See James Talcott, Inc. v. Bank of Miami Beach, 143 So.2d 657 (Fla. 3rd DCA 1962)*. As such, it is inappropriate to insert the word "full" into the phrase "less than five days" where the plain wording of the statute does not suggest this meaning.

SUMMARY

If a candidate is opposed on the ballot in an election, the last day the candidate may accept a campaign contribution is midnight of the fifth day prior to an election. If an election is on a Tuesday, this day is midnight the immediately preceding Thursday. Anything received after that time must be returned by the candidate.