

PROPOSED ORDINANCE NO. 2021-08

ORDINANCE NO. 1965

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 33 "GENERAL CITY POLICIES" SEC. 33.02 "CITY CLERK TO BE CUSTODIAN; DUTIES" OF THE CITY OF PEMBROKE PINES CODE OF ORDINANCES TO CREATE A NEW SUBSECTION (D) TO BE ENTITLED "CAMPAIGN FINANCE REPORTS" RELATING TO THE REQUIRED ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS WITH THE CITY CLERK; PROVIDING FOR CERTAIN FINDINGS AND CONCLUSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State legislature has enacted legislation that requires all candidates for state offices to file their campaign treasurer reports electronically with the Department of State; and

WHEREAS, the Broward County currently requires all candidates for Broward County office to file their campaign treasurer reports electronically with the Supervisor of Elections in Broward County; and

WHEREAS, the City of Pembroke Pines is committed to the use and implementation of technology and certain platforms to improve government efficiency, to make government more accessible and user-friendly, and whenever possible, reduce the demands on our resources; and

WHEREAS, the City has the authority under Section 106.07(2)(a)2, Florida Statutes, to impose electronic filing requirements for campaign finance reports required to be filed by each person, candidate, political committee, electioneering communications organization or other individual or organization required to file such reports pursuant to Chapter 106, Florida Statutes, where not inconsistent with Section 106.0705, FS; and

WHEREAS, the City Commission believes that the implementation of a mandatory electronic filing system for campaign treasurer reports will continue the commitment referenced above; and

WHEREAS, the City Commission finds that such a system is consistent with applicable Florida laws and best serves the health, safety and welfare of the citizens and residents of the City;

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NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 33 “General City Policies” Sec. 33.02 “City Clerk to be Custodian; Duties” of the Code of the City of Pembroke Pines is hereby amended by adding the following:

(D) CAMPAIGN FINANCE REPORTS

a) Electronic Reporting.

Candidates for the Office of Mayor or City Commissioner shall file their Campaign Treasurer’s Reports electronically with the City Clerk. The City Clerk shall determine the required format for the Campaign Treasurer’s Reports and shall provide copies of the form upon request. For purposes of this Article, “Campaign Treasurer’s Reports” or “Reports” shall mean the reports required of the campaign treasurers of candidates pursuant to Section 106.07, Florida Statutes, as may amended from time to time, Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and subject to the penalties below, and all other applicable penalties, as otherwise provided by law.

b) Electronic Posting.

Campaign Treasurer’s Reports submitted by candidates for the Office of Mayor or City Commissioner shall be posted on the City’s website by the City Clerk within three (3) business days of date of the electronic filing by such candidate. The City reserves the right, prior to posting, to review all filings and redact any material that would violate any copyright, trademark, patent or other proprietary rights of

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others, or any language, pictures, or symbols that in any way violate any federal, state, or local law.

c) Penalties.

In addition to any other penalties which may be applicable, and as otherwise provided by law, any individual who violates this section shall be subject to a fine up to fifty dollars (\$50.00) per day for the first three (3) days late and, thereafter, five hundred dollars (\$500.00) per day for each day late, not to exceed twenty-five percent (25%) of the total receipts or expenditures, whichever is greater, for the period covered by the late Report. If it is determined by a court which has jurisdiction over an alleged violation of this ordinance that unusual circumstances caused the Campaign Treasurer's Report to be filed late, no fine shall be imposed by the court. As used herein, "unusual circumstances" shall mean uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act according to the filing requirements. Unusual circumstances must occur within a time period that would clearly prevent the person legally responsible for filing the Report from doing so in a timely manner.

d) Training Assistance.

The City Clerk shall provide training assistance to candidates regarding the electronic filing requirements herein.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Pembroke Pines, Florida, that the provisions of this Ordinance shall become and be made part of the City of Pembroke Pines Code of Ordinances; and that the sections of this "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Code of the City of Pembroke Pines Tables of

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Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 3RD DAY OF MARCH, 2021.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 7TH DAY OF APRIL, 2021.



CITY OF PEMBROKE PINES, FLORIDA

By: [Signature]

MAYOR FRANK C. ORTIS

ATTEST:

[Signature] 4/13/21
MARLENE GRAHAM, CITY CLERK

ORTIS AYE

GOOD AYE

APPROVED AS TO FORM:

[Signature] 4/8/2021
OFFICE OF THE CITY ATTORNEY

CASTILLO AYE

SCHWARTZ AYE

SIPLE AYE

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City of Pembroke Pines, FL

601 City Center Way
Pembroke Pines, FL
33025
www.ppines.com

Agenda Request Form

Agenda Number: 16.

File ID: 2021-08	Type: Ordinance	Status: Passed
Version: 2	Agenda Section:	In Control: City Commission
Short Title: Proposed ordinance 2021-08: Electronic Election Campaign Report filing.		File Created: 02/23/2021
		Final Action: 04/07/2021

Title: MOTION TO PASS PROPOSED ORDINANCE 2021-08 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE 2021-08 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 33 "GENERAL CITY POLICIES" SEC. 33.02 "CITY CLERK TO BE CUSTODIAN; DUTIES" OF THE CITY OF PEMBROKE PINES CODE OF ORDINANCES TO CREATE A NEW SUBSECTION (D) TO BE ENTITLED "CAMPAIGN FINANCE REPORTS" RELATING TO THE REQUIRED ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS WITH THE CITY CLERK; PROVIDING FOR CERTAIN FINDINGS AND CONCLUSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

***Agenda Date:** 04/07/2021

Enactment Date: 04/07/2021

Agenda Number: 16.

Enactment Number: 1965

Internal Notes:

Attachments: 1. Proposed Ordinance 2021-08 Campaign Finance Reports (00330881xC4B6A), 2. EasyVote Proposal 022321, 3. ARF 12-18-2019 Electronic reporting-Election

Indexes:

- | | | | | |
|---|---|------------|-----------------------|------|
| 1 | City Commission | 03/03/2021 | pass on First Reading | Pass |
| | Action Text: A motion was made by Commissioner Castillo, seconded by Vice Mayor Schwartz, to pass Proposed Ordinance 2021-08 on First Reading . The motion carried by the following vote:
Aye: - 5 Mayor Ortis, Commissioner Schwartz, Vice Mayor Good Jr., Commissioner Castillo, and Commissioner Siple
Nay: - 0 | | | |
| 2 | City Commission | 04/07/2021 | adopt | Pass |
| | Action Text: A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to adopt Proposed Ordinance 2021-08. The motion carried by the following vote: | | | |

Aye: - 5 Mayor Ortis, Vice Mayor Good Jr., Commissioner Schwartz,
Commissioner Castillo, and Commissioner Siple
Nay: - 0

SUMMARY EXPLANATION AND BACKGROUND:

1. The State legislature has enacted legislation that requires all candidates for state offices to file their campaign treasurer reports electronically with the Department of State.

2. The Broward County currently requires all candidates for Broward County office to file their campaign treasurer reports electronically with the Supervisor of Elections in Broward County.

3. The City of Pembroke Pines is committed to the use and implementation of technology and certain platforms to improve government efficiency, to make government more accessible and user-friendly, and whenever possible, reduce the demands on our resources.

4. The City has the authority under Section 106.07(2)(a)2, Florida Statutes, to impose electronic filing requirements for campaign finance reports required to be filed by each person, candidate, political committee, electioneering communications organization or other individual or organization required to file such reports pursuant to Chapter 106, Florida Statutes, where not inconsistent with Section 106.0705, FS.

5. The City Commission believes that the implementation of a mandatory electronic filing system for campaign treasurer reports will continue the commitment referenced above.

6. The City Commission finds that such a system is consistent with applicable Florida laws and best serves the health, safety and welfare of the citizens and residents of the City.

7. On 12/19/2019 an item on electronic campaign report filing software went before Commission but was pulled for further study. A decision at the March 3, 2021 meeting may help put the electronic reporting system into implementation as we enter into our next election cycle in March 2022.

Contractor EazyVote: quote attached as Exhibit 2.

FINANCIAL IMPACT DETAIL:

a) Initial Cost: \$3,250

b) Amount budgeted for this item in Account No: 1-519-1001-52652 Software

c) Source of funding for difference, if not fully budgeted: Once approved by Commission a budget adjustment will be done to move \$762.00 from account 1-519-1001-46250 R&M Equipment; \$2,238.00 from 1-519-1001-52650 Equipment < \$1000. \$3000 will be budgeted in the 1-519-1001-52652 annually.

d) 5 year projection of the operational cost of the project

	Current FY	Year 2	Year 3	Year 4	Year 5
Revenues					
Expenditures	\$3250	\$3000	\$3000		
Net Cost					

e) Detail of additional staff requirements: Not Applicable