

ORDINANCE NO. 1509

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING
SECTION 40 OF THE CITY CHARTER, TO CHANGE THE
QUALIFYING DATES FOR CANDIDATES IN THE
GENERAL ELECTION SCHEDULED FOR NOVEMBER 5,
2024, AND FOR ALL SUBSEQUENT ELECTIONS;
ADOPTING SUCH CHARTER AMENDMENTS PURSUANT
TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA
STATUTES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE
CHARTER/CONFORMITY OF AMENDMENTS;
PROVIDING FOR REPEAL OF CONFLICTING
PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, in accordance with Section 40 of the City Charter, candidates for office must qualify by filing such intention in writing with the city election authorities not earlier than forty-three (43) days nor later than thirty-five (35) days before the election; and

WHEREAS, Sections 6-21 and 6-24 of the City Code provide for a qualifying period of not earlier than forty-three (43) days nor later than thirty-five (35) days before the election; and

WHEREAS, Section 100.3605(2), Florida Statutes, authorizes the City Council to change the dates of its election, as well as dates of qualification, and to extend the terms of office of sitting Councilmembers necessitated by any such changes to the election date; and

WHEREAS, on December 13, 2022, the City Council adopted Ordinance No. 1501 and Ordinance No. 1502 determining that the City's General Election held in May is funded entirely by the residents of the City and it would be in the public interest to move the City's General Election from May in odd-numbered years to the first Tuesday in November following the first Monday in November in each even-numbered year so that the City General Election would coincide with the national and gubernatorial election and the cost of the election would be reduced by such a change; and

WHEREAS, the City of North Miami has been advised by the Miami-Dade County Supervisor of Elections that for the City's General Election scheduled for November 5, 2024, the qualifying dates for candidates must be amended to comply with the State of Florida's Elections Laws requiring the mailing of overseas vote-by-mail ballots to commence 45 days prior to the election; and

WHEREAS, to ensure compliance with state election laws, the City will amend its dates of qualification to occur no earlier than eighty-five (85) days nor later than seventy-five (75) days before the election; and

WHEREAS, the City Council desires to change the City's qualifying dates accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Charter Amendment. Pursuant to Sections 100.3605(2) and 166.021(4), Florida Statutes, Section 40 of the City Charter is amended to read as follows:

PART I. CHARTER OF THE CITY OF NORTH MIAMI

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ARTICLE VII. ELECTIONS

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Sec. 40. – Qualification of candidates.

(a) Any qualified elector, as described in Article III, Section 10 above, of the city may qualify and run for a single council district seat, for mayor, or for city clerk by filing such intention in writing with the city election authorities not earlier than ~~forty-three (43)~~ eighty-five (85) days nor later than ~~thirty-five (35)~~ seventy-five (75) days before the election, such intention to be in substantially the following form:

(b) I, the undersigned, an elector of the City of North Miami, whose residence is _____ hereby announce my candidacy for the office of (councilmember, District No. _____ (for mayor), (for city clerk) to be voted for at the election to be held on the day of _____ 20_____, and I hereby agree to serve if elected.

Signature of candidate _____

Date and hour filing _____

Received by _____
(signature of election official)

(c) No intention or announcement of candidacy shall be accepted by the election authorities unless accompanied by a qualifying fee to be paid by the candidate in the sum of five (5) percent of the yearly salary which a councilmember is then entitled to receive. The officer who receives the qualifying fee shall issue a receipt. Such qualifying fee shall be returned to the candidate if the candidate becomes ineligible or withdraws such candidacy not later than the close of qualifying. Any candidate may withdraw such candidacy not later than the last day for filing same by filing a notice of withdrawal with the city clerk.

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Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Charter/Conformity of Amendments. Following the adoption of the Charter Amendments, the City Clerk shall have the Charter Amendments incorporated into the City Charter and shall file the revised Charter with the Department of State. The City Clerk is authorized to revise the Charter to the extent necessary to ensure that the adopted Charter Amendments conform to one another.

Section 5. Repeal of Conflicting Provisions. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 22nd day of August, 2023.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 12th day of September, 2023.

Alix Desulme
ALIX DESULME, ED.D.
MAYOR

ATTEST :

VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Jeff P. H. Cazeau
CITY ATTORNEY

SPONSORED BY: CITY CLERK

Moved by: Desulme

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.

(Yes) (No)

Vice-Mayor Mary Estimé-Irvin

(Yes) (No)

Councilman Scott Galvin

(Yes) (No)

Councilwoman Kassandra Timothe, MPA

(Yes) (No)

Councilman Pierre Frantz Charles, M.Ed.

(Yes) (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.