

**ORDINANCE NO. 2019-1704**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 101, “QUALIFYING FOR ELECTED OFFICE” OF THE TOWN CHARTER PURSUANT TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA STATUTES, WITH LIMITED APPLICABILITY TO ESTABLISH QUALIFYING DATES AND SUPPLEMENTAL QUALIFYING DATES FOR THE TOWN’S MARCH 17, 2020 GENERAL ELECTION; PROVIDING FOR INCORPORATION INTO THE CHARTER; PROVIDING FOR CODIFICATION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR NOTIFICATION TO MIAMI-DADE COUNTY ELECTIONS DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Section 105(1) of the Town of Surfside (“Town”) Charter provides that the Town’s General Election for election of the Mayor and Town Commissioners shall be held on the “third Tuesday in March in every even numbered calendar year” and related qualifying periods are set forth in Section 101 of the Town Charter; and

**WHEREAS,** the Town’s next General Election is scheduled for March 17, 2020; and

**WHEREAS,** pursuant to Section 103.101, Florida Statutes, the Presidential Preference Primary (the “Presidential Primary”) is scheduled to be held on the third Tuesday in March of each presidential election year; and

**WHEREAS,** the 2020 Presidential Primary is scheduled for March 17, 2020; and

**WHEREAS,** due to the 2020 Presidential Primary, the Town must consider changing its General Election date and/or related qualifying dates; and

**WHEREAS,** to retain the Town’s March 17, 2020 General Election date, the qualifying periods set forth in the Town Charter must be changed to accommodate the Miami-Dade County Elections Department (the “Department”) November 30, 2019 deadline by which names of candidates for the Town’s General Election must be provided to the Department; and

**WHEREAS,** pursuant to Sections 100.3605(2) and 166.021(4), Florida Statutes, municipalities are permitted to change, by ordinance, Charter provisions regarding, “the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates”; and

**WHEREAS,** the Town Commission finds that it is in the Town’s best fiscal interest to retain its March 17, 2020 General Election date and change the related qualifying dates; and

38           **NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN**  
39 **OF SURFSIDE AS FOLLOWS:**<sup>1</sup>

40           **Section 1.**    **Recitals.** The above-stated recitals are true and correct and are incorporated  
41 herein by this reference.

42           **Section 2.**    **Qualifying Dates Changed.** That with regard to the Town’s March 17,  
43 2020 General Election, the qualifying periods set forth in Section 101 of the Town Charter are  
44 hereby changed to establish a qualifying period to commence on Friday, November 1, 2019 at 9:00  
45 a.m. and end on Friday, November 22, 2019 at 12:00 p.m., with any amended qualifying petition  
46 (as otherwise permitted pursuant to Section 101 of the Town Charter) to be filed by no later than  
47 Thursday, November 28, 2019 at 12:00 p.m.

48           **Section 3.**    **Establishing End of Supplemental Qualifying Period.** That with regard  
49 to the Town’s March 17, 2020 General Election, the end date for any supplemental qualifying  
50 period shall be Thursday, November 28, 2019 at 12:00 p.m.

51           **Section 4.**    **Incorporation into Charter.** The provisions of Section 2 of this Ordinance  
52 dealing with the limited change in qualifying dates for the Town’s March 17, 2020 General  
53 Election, shall become and be made part of Section 101 of the Town’s Charter, and all remaining  
54 language in the Charter dealing with qualifying for office not otherwise in conflict with and/or  
55 expressly referred to in this Ordinance shall apply to said March 17, 2020 General Election.

56           **Section 5.**    **Inclusion in the Code.** The provision of Section 3 of this Ordinance dealing  
57 with the establishment of a date by which the supplemental qualifying period shall end for the  
58 Town’s March 17, 2020 General Election, shall become and be made part of Chapter 26 of the  
59 Town’s Code of Ordinances.

60           **Section 6.**    **Authorization.** The Town Clerk is authorized to take all actions necessary  
61 to incorporate the provisions of this Ordinance into the Town Charter and Town Code in order to  
62 accomplish such intentions, and sections of this Ordinance may be implemented into the Charter  
63 and Code via footnote.

64           **Section 7.**    **Notification to Miami-Dade County.** The Town Clerk is directed, upon  
65 adoption of this Ordinance on second and final reading, to notify the Miami-Dade County  
66 Elections Department of the subject changes in qualifying dates and to transmit certified copies of  
67 this Ordinance to the Miami-Dade County Supervisor of Elections.

68           **Section 8.**    **Codification.** It is the intent of the Town Commission that the provisions  
69 of this ordinance shall become and be made a part of the Town’s Charter and Code of Ordinances,  
70 and that the sections of this Ordinance may be renumbered or relettered, and the word “ordinance”  
71 may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in  
72 order to accomplish such intentions.

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<sup>1</sup> Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted** ~~double-strikethrough~~ and double underline.

73           **Section 9. Severability.** The provisions of this Ordinance are declared to be severable  
74 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be  
75 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,  
76 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the  
77 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

78           **Section 10. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of  
79 resolutions, in conflict herewith, are repealed to the extent of such conflict.

80           **Section 11. Effective Date.** This Ordinance shall become effective immediately upon  
81 final adoption on second reading.

82           **PASSED** on first reading on the 10<sup>th</sup> day of September, 2019.

83           **PASSED AND ADOPTED** on second reading on the 10th day of October, 2019.


84                   **On Final Reading Moved By:** Vice Mayor Gielchinsky

85                   **On Final Reading Second By:** Commissioner Karukin

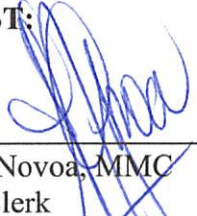
86   **FINAL VOTE ON ADOPTION**

87	Commissioner Barry Cohen	<u>Yes</u>
88	Commissioner Michael Karukin	<u>Yes</u>
89	Commissioner Tina Paul	<u>Yes</u>
90	Vice Mayor Daniel Gielchinsky	<u>Yes</u>
91	Mayor Daniel Dietch	<u>Yes</u>

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Daniel Dietch  
Mayor

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97   **ATTEST:**   
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102   Sandra Novoa, MMC  
103   Town Clerk

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104   **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
105   **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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109   Weiss Serota Helfman Cole & Bierman, P.L.  
110   Town Attorney