

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING VARIOUS SECTIONS OF ARTICLE II OF THE CITY CHARTER ENTITLED "THE CITY COMMISSION" AND ARTICLE III OF THE CITY CHARTER ENTITLED "ELECTIONS", ALL SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 5, 2024.

WHEREAS, Florida Statutes Section 166.031(1) provides, in part, that "[t]he governing body of a municipality may, by ordinance, ... submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality"; and

WHEREAS, Article XI of the City of Hollywood City Charter creates a charter review committee to be appointed every six years and to submit proposed Charter amendments to the City Commission; and

WHEREAS, Article XI of the Charter requires the City Commission to place the charter review committee's proposals on the ballot; and

WHEREAS, the charter review committee has proposed amendments to ARTICLE II of the Charter entitled "The City Commission" and ARTICLE III of the Charter entitled "Elections".

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Article II of the City of Hollywood City Charter is hereby amended to read as follows<sup>1</sup>:

## **ARTICLE II. THE CITY COMMISSION**

<sup>1</sup> Underscored words are additions to existing text; words ~~struck through~~ are deletions from existing text.

### **Sec. 2.01. Created; membership.**

There is created a city commission to consist of seven (7) members, one (1) of whom shall be the mayor. The mayor shall be elected from the city at large and the commissioners shall be elected as provided in Article III of this Charter.

### **Sec. 2.02. Duties and responsibilities of the mayor.**

\* \* \*

(d) If the mayor and vice-mayor are absent or unable to fulfill the responsibilities of the mayor, those responsibilities shall be fulfilled by sitting city commissioners who have previously served as vice-mayor, in order of most recent.

\* \* \*

### **Sec. 2.03. Vice-mayor.**

The office of vice-mayor shall be filled by a commissioner other than mayor. The vice-mayor shall be elected by a majority vote of the total commission membership eligible to vote, for a term of one (1) year.

\* \* \*

### **Sec. 2.04. Meetings.**

\* \* \*

(b) *Special.* The city clerk shall, at the request of the mayor or on written request of three (3) or more commissioners, call special meetings of the commission in the manner prescribed by ordinance. The commission shall have the same power to transact business at special sessions as at regular sessions.

(c) *Absences.* Absence from four (4) regular consecutive meetings of the commission shall operate to vacate a seat of a member unless such absence is occasioned by illness of such member. Absence from eight (8) regular consecutive meetings of the commission shall operate to vacate a seat of a member without regard to the reason for such absences.

\* \* \*

(f) *Citizens' Comments.* "Citizens' Comments" shall be held during every regularly scheduled city commission meeting. ~~When the commission holds more than one regular meeting in a calendar month, the agenda for the second regular meeting of that~~

~~month will contain an item titled "Citizens' Comments." When the commission holds one regular meeting in a calendar month, the agenda for that meeting will contain an item titled "Citizens' Comments."~~ Citizens' Comments will be conducted as an open forum for any person to speak on issues that do not specifically appear on the agenda for that meeting. The commission may establish reasonable time limits for the length of Citizens' Comments and for the length of each person's comments during Citizens' Comments.

Section 3: That Article III of the City of Hollywood City Charter is hereby amended to read as follows:

### **ARTICLE III. ELECTIONS**

#### **Sec. 3.01. Election and term of commissioners; staggered terms.**

(a) The election of city commissioners, including the mayor, shall be as provided by this Charter, general and special law. The terms of the city commissioners and mayor shall be four ~~(4)~~ years; except, at the presidential election of 2012, those elected to three ~~(3)~~ city commission seats shall be elected for terms of six ~~(6)~~ years in order to institute staggered terms among members of the city commission in accordance with section 3.04 below. Each city commission seat shall be filled separately; and candidates for the city commission or office of mayor shall designate, at the time of qualifying, the office for which they will run. There shall be six ~~(6)~~ districts. Each commissioner shall be a full time resident of ~~reside in~~ one of the districts; and shall be elected only by the qualified electors who reside in the same district as the commissioner, and shall remain a full time resident of the district in which he/she is elected. The district boundaries shall be set by ordinance and updated after each decennial census or as otherwise required by law.

(b) No person may appear on the ballot for election as mayor if, by the end of the current term of office, the person will have served (or, but for resignation, removal or forfeiture, would have served) in that office for ~~twelve (12)~~ consecutive years. No person may appear on the ballot for election as city commissioner from a particular district if, by the end of the current term of office, the person will have served (or, but for resignation, removal or forfeiture, would have served) in the office of city commissioner from that district for ~~twelve (12)~~ consecutive years. The limitations set forth in this paragraph shall apply only to terms of office beginning after this paragraph becomes effective by approval of the electorate.

#### **Sec. 3.02. Vacancy in commission membership.**

(a) If any vacancy shall occur in the office of mayor, except a vacancy caused by resignation after a recall petition has been filed, and ~~one hundred eighty (180)~~ days or less of the term of the former mayor shall remain at the time the vacancy occurs, it shall

be filled within ten (10) days after the first regular commission meeting following the occurrence of such vacancy, by a majority vote of the remaining commissioners, by an eligible person to serve the remainder of the unexpired term of such mayor until the next municipal election. If any vacancy shall occur in the office of city commissioner, except a vacancy caused by resignation after a recall petition has been filed, and ~~one hundred eighty (180)~~ days or less of the term of the former city commissioner shall remain at the time the vacancy occurs, it shall be filled within ten (10) days after the first regular commission meeting following the occurrence of such vacancy, by a majority vote of the remaining commissioners, by an eligible person to serve the remainder of the unexpired term of such commissioner until the next municipal election.

(b) If the commissioners fail to fill such vacancy in the office of mayor or city commissioner within the ten (10) days after the first regular commission meeting following the occurrence of such vacancy, a special election shall be called within not less than ~~ninety (90)~~ days or more than ~~one hundred twenty (120)~~ days to fill such vacancy, or at the next general or municipal election if one is to be held within that period.

(c) If any vacancy shall occur in the office of mayor, except a vacancy caused by resignation after a recall petition has been filed, and more than ~~one hundred eighty (180)~~ days of the term of the former mayor shall remain at the time the vacancy occurs, a special election shall be called within not less than ~~ninety (90)~~ or more than ~~one hundred twenty (120)~~ days to fill such vacancy, or at the next general or municipal election if one is to be held within that period. If any vacancy shall occur in the office of city commissioner, except a vacancy caused by resignation after a recall petition has been filed, and more than ~~one hundred eighty (180)~~ days of the term of the former city commissioner shall remain at the time the vacancy occurs, a special election shall be called within not less than ~~ninety (90)~~ or more than ~~one hundred twenty (120)~~ days to fill such vacancy, or at the next general or municipal election if one is to be held within that period.

### **Sec. 3.03. Qualifications of members.**

(a) Each candidate for nomination and election as a member of the city commission, including the mayor, shall have been a duly qualified elector of the city for a minimum of six ~~(6)~~ months prior to the time of qualifying for such office and be otherwise qualified as provided in this Charter and shall remain a full time resident of ~~domiciled in~~ the city for the term of the office for which he/she was elected. In addition, except as provided in the district transition plan to be adopted by ordinance, each candidate for commissioner must have been a full time resident of ~~domiciled within~~ the district from which he/she seeks election for a minimum of six ~~(6)~~ months prior to the time of qualifying. Each commissioner shall remain a full time resident of ~~domiciled in~~ such district throughout his/her term of office.

\* \* \*

### **Sec. 3.04. Election dates.**

The mayor and the commissioners from even-numbered districts shall be elected for four~~-(4)~~ year terms on the presidential election cycle beginning in 2012. The commissioners from odd-numbered districts shall be elected for six~~-(6)~~ year terms at the presidential election in 2012 and then for four~~-(4)~~ year terms on the gubernatorial election cycle beginning in 2018.

\* \* \*

### **Sec. 3.09. Vacancy in candidacy.**

If the death, withdrawal or removal of a qualified candidate for city commission, following the end of the qualifying period, results in only one candidate remaining on the ballot for that office, there shall be a supplemental qualifying period of five ~~(5)~~ days beginning on the first day following the vacancy in candidacy; provided, however, that there shall not be a supplemental qualifying period if the vacancy in candidacy occurs within ~~twenty-six (26)~~ days of the general election for that office. If a vacancy in candidacy, as described above, occurs within ~~twenty-six (26)~~ days of the general election for that office, the remaining candidate shall be declared elected and no election shall be required.

\* \* \*

### **Sec. 3.12. Campaign finance reform.**

#### *(a) Definitions.*

(1) *Express advocacy.* A communication to the general public by means of any broadcast, cable, satellite, newspaper, magazine, outdoor advertising facility, mass mailing, the Internet, or telephone bank, or any other form of general public political advertising, that in express terms advocates the election or defeat of a clearly identified candidate for elective office or the approval or disapproval of a clearly identified ballot issue; provided, however, that with respect to the Internet, a communication will be deemed to be express advocacy only if it constitutes the creation or dissemination of a message on a computer information system accessible by more than one ~~(1)~~ person but excluding internal communications of a campaign or of any group.

(2) *Express advocacy organization (EAO).* A person, as defined in section 4 other than an individual, that engages in express advocacy or the functional equivalent of express advocacy.

(3) *Functional equivalent of express advocacy.* A communication to the general public by means of any broadcast, cable, satellite, newspaper, magazine, outdoor advertising facility, mass mailing, the Internet, or telephone bank, or any other form of

general public political advertising, made within ~~sixty (60)~~ days of an election that is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate for an office or issue on the ballot in such election.

(4) *Person*. The word "person" includes individuals and associations of individuals, whether constituting legal entities or not, and business entities of whatever form, whether constituting legal entities or not, and including, but not limited to, corporations, partnerships, sole proprietorships, associations, joint ventures, estates, trusts, business trusts, syndicates, and fiduciaries and other business entity authorized to do business in the State of Florida, any other state or any foreign country.

~~(b) *Limitation on contributions*. It is unlawful for any individual to make a contribution in excess of five hundred dollars (\$500.00), either directly, indirectly or through a political committee, to any candidate. Furthermore, it is unlawful for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section. The contribution limits of this section apply to each election.~~

~~(c) *Contributions prohibited*. It is unlawful for any person as defined in section (a)(4), other than an individual, to make a contribution in connection with the election of any candidate. Furthermore, it is unlawful for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or for any officer or any director of any such entity to consent to any contribution prohibited by this section.~~

~~(d) *Reports: certification and filing*.~~

~~(1) Each campaign treasurer designated by a candidate pursuant to State law shall file regular reports, as provided by law, of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee.~~

~~(2) When engaged in express advocacy, or the functional equivalent of express advocacy, as defined in this section, relating to any campaign for election to the office of mayor or city commissioner of the city or any campaign for approval or disapproval of an issue to appear on the ballot in which only city electors are eligible to vote, an EAO shall file, as provided by law, regular reports of all contributions received, and all expenditures made, in furtherance of such express advocacy or such functional equivalent of express advocacy.~~

~~(b)(3)~~ Following the last day of qualifying for office, the reports of all contributions received, and all expenditures made, by (i) a candidate who is seeking election to the office of mayor or city commissioner of the city, (ii) a political committee, or (iii) an EAO, when engaged in express advocacy or the functional equivalent of express advocacy, as defined in this section, relating to any campaign for election to the office of mayor or city commissioner of the city or any campaign for approval or disapproval of an issue to appear on the ballot in which only city electors are eligible to vote, shall be filed as

provided by law. The acceptance of contributions immediately preceding the election shall be in accordance with applicable law.

~~(c)~~(4) When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on that same ballot, all political committees and EAOs making contributions or expenditures in support of or in opposition to such issue shall file reports as provided by law. The acceptance of contributions immediately preceding the election shall be in accordance with applicable law.

~~(d)~~(e) *Applicability.* The provisions of this section [3.12](#) shall be applicable to all campaigns for election to the office of mayor of Hollywood, to all campaigns for election to the office of city commissioner of Hollywood, and to all elections called for an issue to appear on the ballot in which only City of Hollywood electors are eligible to vote.

~~(f) *Penalties.* Any person who violates any of the provisions of section [3.12](#) (b), (c) or (d) shall be subject to a fine in an amount not to exceed five hundred dollars (\$500.00), imprisonment for a period not to exceed sixty (60) days, or both.~~

Section 4: That the ballot language for the Charter amendments proposed in Sections 2 and 3 above shall be as set forth in the attached Exhibit "A".

Section 5: That the Charter amendments set forth in this Ordinance shall be submitted to a vote of the electors of the City of Hollywood at an election to be held on November 5, 2024.

Section 6: That funding for the election is available in account 001.111001.51200.549930.000000.000.000 – Elections.

Section 7: Pursuant to the requirements of Florida Statute Section 100.342, notice of the election on the Charter amendments set forth in this Ordinance shall be given at least 30 days in advance of the election and shall be given in a newspaper of general circulation published in Broward County. The notice shall be published at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held.

Section 8: That if the Charter amendments set forth in this Ordinance are approved by a majority of the electors voting in the election scheduled for November 5, 2024, such amendments shall take effect as of the day immediately following the certification of the results of the election and shall be incorporated into the City of Hollywood Charter, and they may be renumbered as appropriate to incorporate them into the Charter.

Section 9: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such determination shall not affect the validity of any remaining portions of this Ordinance.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING VARIOUS SECTIONS OF ARTICLE II OF THE CITY CHARTER ENTITLED "THE CITY COMMISSION" AND ARTICLE III OF THE CITY CHARTER ENTITLED "ELECTIONS".

Section 10: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 11: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised \_\_\_\_\_, 2024.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
DOUGLAS R. GONZALES  
CITY ATTORNEY

## EXHIBIT A

### CHARTER AMENDMENT – REFERENDUM VARIOUS AMENDMENTS TO SECTION IN ARTICLE II OF THE CITY CHARTER ENTITLED “THE CITY COMMISSION” AND ARTICLE III OF THE CITY CHARTER ENTITLED “ELECTIONS”

The amendments to Article II of the Charter entitled “The City Commission” provide for clean up of existing grammar and language, and adds a provision for succession of the mayor in the event of the absence of both the mayor and vice mayor. The amendments to Article III of the Charter entitled “Elections” seek to remove obsolete language pertaining to Campaign Finance Reform, and to clean up existing grammar and language.

These amendments would amend Article II of the City Charter entitled “The City Commission”. Specifically, the amendments to Section 2.01 entitled “Creation; Membership”, Section 2.03 entitled “Vice mayor”, and Section 2.04 entitled “Meetings” are for clean up purposes only. The amendment to Section 2.02 entitled “Duties and responsibilities of the mayor” add a section (d) that provides for succession in the event of the absence of both the mayor and vice mayor.

These amendments would also amend Article III of the City Charter entitled “Elections”. Specifically, the amendments to Section 3.01 entitled “Election and term of commissioners; staggered terms”; Section 3.02 entitled “Vacancy in commission membership”; Section 3.03 entitled “Qualifications of members”; Section 3.04 entitled “Election dates”; Section 3.09 entitled “Vacancy in candidacy”, and Section 3.12 entitled “Campaign finance reform” remove obsolete language. In addition, the amendments seek to clean up existing grammar and language to make the Charter more cohesive and consistent.

## QUESTION

Should Article II of the City Charter entitled “The City Commission” and Article III of the City Charter entitled “Elections” be amended in the various ways described above?

YES \_\_\_\_\_

No \_\_\_\_\_

### Fiscal Impact of Proposed City Charter Amendments concerning The City Commission

The proposed Charter amendments do not result in significant additional costs.