

ORDINANCE No. 2024-27

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 14 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, through Ordinance 2007-29, the City Council of the City of Doral amended Section 14-19 entitled "Qualifying Period" in order to ensure that the Supervisor of Elections has enough time in which to meet their deadlines; and

WHEREAS, through Ordinance 2006-19, the City Council of the City of Doral amended Section 14-75 entitled "Pre-Election Sign Requirements" to ensure that a sign bond is required from each election campaign; and

WHEREAS, through Ordinance 2011-39, the City Council of the City of Doral added Article V entitled "Campaign Finance Reports" to improve government efficiency, make government user-friendly, and whenever possible, reduce the demands on our resources; and

WHEREAS, through Ordinance 2021-07, the City Council of the City of Doral provided for additional requirements should a candidate not meet the qualifications required by the City's Charter and Code of Ordinances; and

WHEREAS, election laws and providing for fair elections has recently become a contested and debated topic on both the national and statewide level; and

WHEREAS, it is in the City's interest to amend its ordinance to allow for greater transparency and accountability which are important aspects of election integrity; and

WHEREAS, durational residency requirements for candidates ensures more informed and knowledgeable political candidates, guaranteeing the exposure of

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prospective candidates to voters, and assuring that a candidate running for office is a member of the political community he/she hopes to represent; and

WHEREAS, promoting political stability and protecting the integrity of the ballot justifies the implementation of additional reporting requirements, greater accountability and scrutiny of qualifying documents.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

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

Section 2. Code Amended. Chapter 14 of the City of Doral Code of Ordinances is hereby amended as follows:

CHAPTER 14

ARTICLE II. CANDIDATES

Section 14-18: Candidates for the offices of mayor and city council shall:

- (1) Be registered and qualified electors of the City and at least 21 years of age at the time of their qualifying as a candidate with the City Clerk;
- (2) Have legally resided within the City of Doral at least two (2) years prior to qualifying for the office. Positive and presumptive proof of legal residence must be presented at the time the candidate qualifies. The documents presented to the City Clerk ~~may~~ shall include but not be limited to ~~a combination~~ at least three (3) of the following (as applicable); (i) lease agreement(s) covering the

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- durational residency requirements within the City; (ii) proof of home ownership within the City for at least two (2) years prior to qualifying for the office; ~~(iii) voter's registration~~; ~~(iv) (iii)~~ driver's license and/or Florida identification card with a City of Doral residential address; ~~(v) (iv)~~ utility bills or other bills in the candidate's name for a period covering the durational residency requirements within the City; ~~(vi) (v)~~ copies of the candidates filed income tax returns using a City of Doral address;
- (3) Provide a Voter's Registration Card with a City of Doral residential address and precinct.
- ~~(3)~~(4) Be required to maintain an actual and legal residence for the duration of his/her term of office in the City;
- ~~(4)~~(5) Not be under conviction of a felony; or other disqualification;
- ~~(5)~~(6) Provide a biography or resume at the time of their qualifying as a candidate with the City Clerk.

~~Section 14-21. Nominating Petition.~~

~~Persons wishing to become candidates for office shall secure from the City Clerk a nominating petition for candidacy. This petition must be signed by at least twenty five (25) electors who have not already signed a nominating petition and are qualified to vote in the election. Said petition is to be filed with the City Clerk during the qualifying period which is described above.~~

Section 14-23. Residency Requirements and Penalties

- (a) Each candidate shall, at the time he/she qualifies subscribe to an oath under penalty of perjury to be filed which shall be substantially as follows:

"1. My name is _____

2. I am a citizen of the United States; I am a bona fide resident and qualified elector (voter) of the City of Doral, and have been a bona fide resident and qualified elector (voter) of the City of Doral for at least two (2) years prior to the beginning of the qualifying period for office.

3. I am a registered voter and a duly qualified elector of the City of Doral, Florida presently registered to vote in precinct no. _____.

4. I presently reside at the following address (must include zip code): _____, which is my legal address, and I have resided continually at said address from the _____ day of _____ to the _____ day of _____.

5. I have never been convicted of any crime in the State of Florida or any other state or jurisdiction.

I hereby make this statement under penalty of perjury.

~~(b) In the event the council finds that any candidate for the office of mayor or council does not meet the qualifications of an elector as required under the Charter of the city or of this section, the council may adopt a resolution so finding and directing the city clerk to refrain from placing the name of the candidate for mayor or council, as the case may be, on the ensuing ballot for such office. In the event the name of the candidate has already been placed on the ballot, then the clerk shall be instructed to take the necessary action to either remove the name from the ballot or lock the key for that particular candidate in order that the electorate shall not be permitted to vote on an unqualified candidate for the office of mayor or council.~~

~~Nothing herein contained shall prohibit the candidate who is found to be unqualified for the office of mayor or council from appealing the decision of the council to a court of appropriate jurisdiction.~~

~~(b)(e)~~ The city clerk shall not accept a qualification fee from any candidate who fails to submit to the clerk, either prior to or simultaneously with the submission of the qualification fee, the ~~affidavit~~ fully completed candidate affirmation and oath statement under penalty of perjury as required by this Section.

~~(d)~~ If the city clerk finds:

~~(1) That the qualification papers of a candidate, on their face, are not in compliance with the applicable elections laws of the State of Florida and in compliance with the applicable municipal charter or laws or ordinances;~~

~~(2) That the qualification papers of any candidate, on their face, are incomplete or defective, and are incomplete or defective at the end of the qualifying period;~~

~~(3) That the qualification fee has not been paid in accordance with law;~~

~~(4) That a sworn written statement is or has been filed by a qualified elector residing within the municipality challenging the qualifications of a candidate for municipal office; or~~

~~(5) That after receiving written notification from the Miami-Dade County Supervisor of Elections that a candidate is not an elector of the City of Doral; the city clerk is hereby authorized and directed to file and prosecute an appropriate action in the circuit court for Miami-Dade County, in the name of the city clerk,~~

~~solely for the purpose of receiving a judicial determination with regard to the qualifications of the candidate. In the event the circuit court rules for the city clerk, the city clerk is directed to take the necessary action to remove the name from the ballot or notify the voting public of the candidate's invalidity if such removal is impracticable.~~

Section 2. **Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 3. **Incorporation into the City's Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word "ordinance" may be changes to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

Section 4. **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 5. **Conflicts.** All ordinances or parts of ordinances, resolution or parts

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of resolutions, in conflict herewith, are repealed to the extent of such conflict.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Oscar Puig-Corve	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____

PASSED AND ADOPTED on FIRST READING this 11 day of September, 2024.

PASSED AND ADOPTED on SECOND READING this 9 day of October, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ & MESTRE, PLLC
CITY ATTORNEY

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