

PART I

CHARTER OF THE CITY OF DEERFIELD BEACH, FLORIDA*

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***Editor's note**—Printed herein is the Charter of the City of Deerfield Beach, Florida, as adopted by Ordinance Number 1097 on 9-4-79, and referendum on 11-6-79. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of capitalization, headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference—Municipal home rule, F.S. ch. 166.

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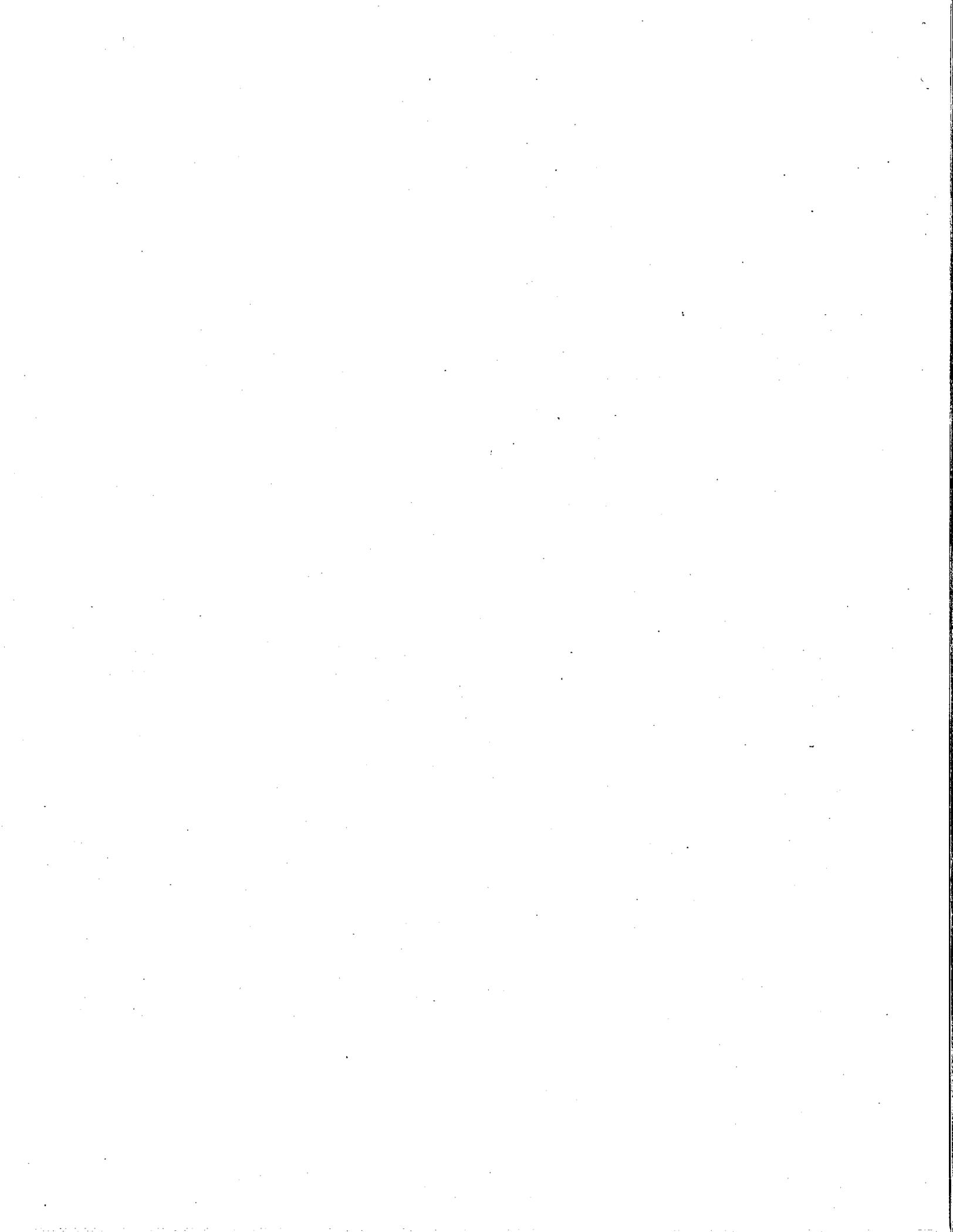
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PREAMBLE

The citizens of Deerfield Beach, in order to protect the health, welfare and safety of its residents, and promote honorable, efficient and responsive government, hereby adopt a revised Home Rule Charter in accordance with the Constitution and Laws of Florida.

ARTICLE I. POWERS OF THE CITY***Section 1.01. Establishment and powers.**

The City of Deerfield Beach is established pursuant to the Laws of Florida and shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

Section 1.02. Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or civil divisions or agencies thereof, including Florida and its civil divisions and agencies, or the United States or any agency thereof.

State law reference—Intergovernmental programs, F.S. ch. 163.

Section 1.03. Extraterritorial powers.

All extraterritorial powers conferred upon the City of Deerfield Beach by general or special act prior to the adoption of this Charter shall remain in full force and effect until repealed by ordinance or by amendment to this Charter.

Const. law reference—Extraterritorial powers by general or special law, art. VIII, § 2(c), Fla. Const.

Section 1.04. Legal construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, general law and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this Charter and, pursuant to the provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to this Charter.

***State law reference**—Municipal home rule powers, F.S. ch. 166.

ARTICLE II. CORPORATE LIMITS

Section 2.01. Description of corporate limits.

The following area shall constitute the corporate limits of the city:

All that territory lying and situate in Broward County, Florida as provided in the laws of Florida, Chapter 59-1214, Special Acts, 1959; Chapter 61-2068, Special Acts, 1961; Chapter 70-647, Special Acts, 1970; additions thereto, and subsequent additions by ordinance, and special act to wit:

All lands lying within the following described territory, the inhabitants of which are hereby established and organized into a municipal corporation, and over which such municipal corporation shall exercise its jurisdiction and powers and which boundaries, as the same may be hereafter changed by law, shall be known as the "Corporate Limits" of the City of Deerfield Beach, to wit:

Commencing at a point of beginning which is the northeast corner of Broward County, Florida; thence westerly along the north boundary line of Broward County, Florida to a point on the east boundary of Florida's Turnpike; thence southerly along the east boundary of Florida's Turnpike to the south right-of-way line of said Hillsboro Boulevard (SR 810); thence continue along said east boundary of Florida's Turnpike to a point on the south line of the north one-half (N $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of Section 5, Township 48 South, Range 42 East; thence S. 88°38'14" E. along said south line 98.76 feet to a point on the west line of Section 4, Township 48 South, Range 42 East; thence N. 00°08'17" W. along said west line a distance of 665.79 feet to a point on the north line of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 4; thence S. 89°40'49" E. along said north line a distance of 1,007.51 feet to a point on the west line of the east one-half (E $\frac{1}{2}$) of the east one-half (E $\frac{1}{2}$) of the northwest one-quarter (NW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 4; thence south along said west line a distance of 1,332.81 feet to the north line of the southwest one-quarter (SW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$); thence S. 89°36'27" E. along said north line a distance of 334.34 feet to a point on the east line of the southwest one-quarter (SW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 4; thence S. 00°07'08" E. along said east line a distance of 438.90 feet to a point of the north right-of-way line of S.W. 10th Street; thence S. 00°07'08" W., a distance of 281.38 feet to an intersection with the arc of a circular curve to the right whose radius point bears N. 07°32'26" W.; thence westerly along the arc of said curve having a radius of 11,919.76 feet, a central angle of 01°41'44", an arc distance of 352.72 feet; thence S. 07°57'04" E., a distance of 372.44 feet; thence S. 04°48'24" W., a distance of 466.62 feet; thence S. 46°28'34" W., a distance of 466.62 feet; thence S. 88°53'16" W., a distance of 709.58 feet, more or less, to an intersection with the east right-of-way line of the Florida Turnpike; thence southerly along said east right-of-way line to an intersection with a line 40.0 feet north of and parallel with the south line of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 9; thence easterly along said parallel line to an intersection with the east line of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 9; thence northerly along said line to an intersection with a line 55.0 feet north of and parallel with the south line of the southeast

Public Records of Broward County, Florida; thence easterly along said south line to an intersection with a line 94.0 feet west of and parallel with the east line of Section 4, Township 48 South, Range 42 East, said line being further described as the west right-of-way line of Powerline Road (SR 845); thence southerly along said west right-of-way line to a point on the north line of the south half ($S\frac{1}{2}$) of the northeast quarter ($NE\frac{1}{4}$) of the southeast quarter ($SE\frac{1}{4}$) of the southeast quarter ($SE\frac{1}{4}$) of Section 4, Township 48 South, Range 42 East; thence west along said north line to the northwest corner of the south half ($S\frac{1}{2}$) of the northeast quarter ($NE\frac{1}{4}$) of the southeast quarter ($SE\frac{1}{4}$) of the southeast quarter ($SE\frac{1}{4}$) of said Section 4; thence south along the west line of the south half ($S\frac{1}{2}$) of the northeast quarter ($NE\frac{1}{4}$) of the southeast quarter ($SE\frac{1}{4}$) of the southeast quarter ($SE\frac{1}{4}$) to the southwest corner of said south half of Section 4, Township 48 South, Range 42 East; thence north $89^{\circ}58'36''$ east to a point 615.44 feet west of the east line of said Section 4; thence south $00^{\circ}21'17''$ west a distance of 65.00 feet; thence north $89^{\circ}58'36''$ east, a distance of 521.45 feet to a line 94.0 feet west of and parallel with the east line of Section 4, Township 48 South, Range 42 east, said line being further described as the west right-of-way line of Powerline Road (S.R. 845); thence southerly along said west right-of-way line to a point 70.00 feet south of the north line of the south one-half ($S\frac{1}{2}$) of the northeast one-quarter ($NE\frac{1}{4}$) of the southeast one-quarter ($SE\frac{1}{4}$) of the southeast one-quarter ($SE\frac{1}{4}$) of Section 4, Township 48 South, Range 42 East; thence north $89^{\circ}57'58''$ west for a distance of 239.00 feet; thence north $00^{\circ}20'52''$ east for a distance of 70.00 feet to the south line of a 100 foot wide canal; thence along the said south right-of-way line north $89^{\circ}57'58''$ west for a distance of 287.33 feet to the point of curve of a curve concave to the southeast and having a radius of 60.00 feet; thence along the arc of said curve southwesterly for a distance of 43.45 feet, through a central angle of $41^{\circ}29'22''$ to its intersection with the east right-of-way line of an 80.00 foot wide canal; thence along said east right-of-way line S. $00^{\circ}21'17''$ W. a distance of 292.00 feet to the south line of the south one-half ($S\frac{1}{2}$) of the northeast one-quarter ($NE\frac{1}{4}$) of the southeast one-quarter ($SE\frac{1}{4}$) of the southeast one-quarter ($SE\frac{1}{4}$) of said Section 4; thence along said south line N. $89^{\circ}58'36''$ east for a distance of 20.00 feet to its intersection with the east right-of-way line of a 100 foot wide canal; thence along the said east right-of-way line south $00^{\circ}21'17''$ west for a distance of 65.00 feet to its intersection with a line parallel with and 65.00 feet southerly from the south line of the south one-half ($S\frac{1}{2}$) of the northeast one-quarter ($NE\frac{1}{4}$) of the southeast one-quarter ($SE\frac{1}{4}$) of the southeast one-quarter ($SE\frac{1}{4}$) of said Section 4; thence continuing along said parallel line north $89^{\circ}58'36''$ east for a distance of 521.44 feet to its intersection with the west right-of-way line of Powerline Road (S.R. 845); thence south along the westerly right-of-way line of said Powerline Road to a point lying 301.79 feet north of the south line of said Section 4, as measured along the westerly right-of-way line of said Powerline Road (SR 845); thence S. $45^{\circ}20'52''$ W. on an assumed bearing, making an excluded angle of $45^{\circ}00'00''$ with the westerly right-of-way line of said Powerline Road (SR 845) a distance of 49.50 feet to an intersection with the north right-of-way of S.W. 10th Street; thence N. $89^{\circ}39'08''$ W., along the said north right-of-way, a distance of 969.50 feet to a point of curve; thence westerly and northerly along the arc of a circular curve to the right, having a radius of 2875.00 feet, a central angle of $20^{\circ}39'08''$, an arc distance of 1036.29 feet to a point of tangency; thence N.

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69°00'00" W., a distance of 901.45 feet to a point of curve; thence northerly and westerly along the arc of a circular curve to the left having a radius of 1625.00 feet, a central angle of 20°32'04", an arc distance of 582.39 feet to a point of tangency; thence N. 89°32'04" W., a distance of 511.19 feet; thence S. 00°07'08" W., a

one-quarter (SE $\frac{1}{4}$) of said Section 9; thence easterly along said parallel line to an intersection with the east right-of-way line of Powerline Road (SR 845); thence northerly along said east right-of-way line, said line being further described as being 33.0 feet east of and parallel with the east line of said Section 9, a distance of 283.76 feet; thence S. 62°48'04" E., on an assumed bearing making an included angle of 62°45'12" with the east right-of-way line of said Powerline Road (SR 845), a distance of 62.23 feet to an intersection with the north right-of-way line of N.W. 48th Street (Green Road); thence N. 54°26'45" E. along said north right-of-way line, a distance of 356.35 feet; thence N. 59°18'15" E., along said north right-of-way line, a distance of 200.72 feet; thence N. 35°33'15" W., along said north right-of-way line of N.W. 48th Street, a distance of 12.0 feet; thence N. 54°26'45" E. along said north right-of-way line, a distance of 50.11 feet to an intersection with the arc of a circular curve to the right whose radius point bears S. 35°20'59" E.; thence easterly along the arc of said curve having a radius of 689.35 feet, a central angle of 15°39'01", an arc distance of 188.30 feet; thence N. 81°08'10" E., a distance of 100.00 feet to an intersection with the arc of a circular curve to the right whose radius point bears S. 11°34'20" E.; thence easterly along the arc of said curve having a radius of 677.35 feet, a central angle of 09°26'53", an arc distance of 111.69 feet to a point of tangency; then N. 87°52'33" E., continuing along said north right-of-way of N.W. 48th Street, a distance of 1,731.86 feet to an intersection with the west line of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 10, Township 48 South, Range 42 East; thence N. 87°52'20" E. along said northerly right-of-way line, a distance of 674.56 feet to an intersection with the west line of the east one-half (E $\frac{1}{2}$) of the west one-half (W $\frac{1}{2}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 10; thence S. 02°54'12" W. along the west line of the lands platted as The Lakes, being the centerline of N.W. 13 Avenue, according to the plat of The Lakes, P.B. 109 p.9, a distance of 53 feet; thence S. 88°16'03" E. along the centerline of Green Road (N.W. 49th Court) as shown on said plat of The Lakes, 816.58 feet; thence N. 01°43'57" E., 127.71 feet; thence N. 37°48'52" E. 103.37 feet; thence N. 17°39'00" W. 189.24 feet; thence N. 52°11'08" W. 510.71 feet; thence N. 02°53'53" E. 187.12 feet; thence S. 88°16'03" E. 84.22 feet; thence N. 37°54'12" E. 273.17 feet; thence N. 22°18'22" W. 84.31 feet; thence N. 37°54'12" E. 271.27 feet; thence S. 89°22'50" E. 189.36 feet; thence N. 07°55'11" E. 159.94 feet; thence N. 69°30'14" E. 98.27 feet; thence N. 02°52'38" E. 110.00 feet; thence S. 88°07'22" E. along the north line of the lands platted as The Lakes to an intersection with a line 53.00 feet west of and parallel with the east line of said Section 10; thence southerly along said parallel line to an intersection with the south line of the north one-half (N $\frac{1}{2}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 10; thence easterly along the south line of the north one-half (N $\frac{1}{2}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 10 and the south line of the north one-half (N $\frac{1}{2}$) of the southwest one-quarter (SW $\frac{1}{4}$) of Section 11, Township 48 South, Range 42 East to an intersection with a line 55.0 feet east of and parallel with the west line of said southwest one-quarter (SW $\frac{1}{4}$) of Section 11; thence southerly along said parallel line, a distance of 625.33 feet; thence easterly, making an included angle of 89°10'22", a distance of 109.20 feet to a point of curve; thence easterly and southerly along the arc of a circular curve to the right, having a radius of 2870.04 feet, a central angle of 21°22'11" an arc distance of 1070.44 feet to a point of tangency; thence southeasterly, tangent to the last described curve, a

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distance of 454.20 feet, more or less, to an intersection with the westerly right-of-way line of the Seaboard Coastline Railroad; thence northeasterly along said westerly right-of-way line to an intersection with the east and west quarter section line of Section 11, Township 48 South, Range 42 East; thence easterly along said east and west quarter section line to an intersection with a line 50.0 feet west of and parallel with the east line of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 11; thence southerly along said parallel line 50.0 feet west of and parallel with the east line of said southeast one-quarter (SE $\frac{1}{4}$) to an intersection with the south line of the northeast one-quarter (NE $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 11; thence easterly along the south line of the northeast one-quarter (NE $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 11 and the south line of the northwest one-quarter (NW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of Section 12, Township 48 South, Range 42 East to an intersection with a line 53.0 feet east of and parallel with the west line of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 12, said point being further described as the northwest corner of Parcel "A" of the Plat of "Pompano Baptist Temple" as Recorded in Plat Book 119, Page 6 of the Public Records of Broward County, Florida; thence southerly along the west line of said Parcel "A" and the easterly right-of-way of S.W. 11th Way (NE 3rd Ave. - Plat) to an intersection with the north line of the southwest one-quarter (SW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 12; thence easterly along said north line to the northeast corner of said southwest one-quarter (SW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$); thence southerly along the east line thereof to an intersection with the northerly right-of-way line of N.E. 48th Street as shown on the Plat of said "Pompano Baptist Temple"; thence easterly along said northerly right-of-way line and the southerly line of Parcel "A" of "Pompano Baptist Temple" to an intersection with the east property line of said "Pompano Baptist Temple"; thence northerly along the east property line of "Pompano Baptist Temple," 80.0 feet west of and parallel with the east line of southwest one-quarter (SW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 12 to the northeast corner of said "Pompano Baptist Temple" and the south line of the north one-half (N $\frac{1}{2}$) of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 12; thence easterly along said south line to an intersection with a line 10.0 feet west of and parallel with the east line of the northwest one-quarter (NW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 12; thence northerly along said parallel line, a distance of 340.50 feet, more or less, to an intersection with the westerly extension of the north line of Block 1 of "Park Ridge," according to the Plat thereof as recorded in Plat Book 48, Page 6 of the Public Records of Broward County, Florida; thence easterly along said line, a distance of 10.0 feet to the east line of the northwest one-quarter (NW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 12; thence northerly along said east line of the northwest one-quarter (NW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$) of said Section 12 to the south right-of-way line Southwest 15th Street; thence easterly along the south right-of-way line of Southwest 15th Street to an intersection with the west line of the northeast one-quarter (NE $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of Section 12, Township 48 South, Range 42 East; thence southerly along said west line a distance of 495.58 feet, more or less, to an intersection with the north right-of-way line of N.E. 52nd Court; thence easterly, southerly and westerly along the arc of a circular curve to the right,

as described in Official Records Book 4031, Page 57 of the Public Records of Broward County, Florida, having a radius of 40.0 feet, a central angle of 282;deg ;38'08", an arc distance of 197.32 feet to an intersection with the west line of the northeast one-quarter (NE $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 12; thence southerly along said west line, a distance of 100.0 feet to the southwest corner of said northeast one-quarter (NE $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 12; thence easterly along the south line thereof, a distance of 286.83 feet; thence northeasterly, parallel with the west right-of-way line of the Florida East Coast Railway to an intersection with the south right-of-way line of Southwest 15th Street; thence easterly along said south right-of-way line to an intersection with the easterly right-of-way line of the Florida East Coast Railway; thence southwesterly along said right-of-way, a distance of 10.36 feet to the northwest corner of Parcel "A" of Morgan Plat No. 1, according to the plat thereof as recorded in Plat Book 110, Page 42 of the Public Records of Broward County, Florida; thence continuing southwesterly along said Florida East Coast Railway right-of-way and the westerly line of said Parcel "A" to the southwest corner of said Parcel "A"; thence easterly along the south line of said Parcel "A" to the southeast corner thereof; thence northerly along the east line of said Parcel "A" to the south right-of-way of N.E. 13th Way; thence westerly and northerly along the south and west right-of-way of said N.E. 13th Way to an intersection with a line 40.00 feet south of and parallel with the north line of the southeast one-quarter (SE $\frac{1}{4}$) of Section 12, Township 48 South, Range 42 East; thence westerly along said line, being further described as the north line of said Parcel "A" to the northwest corner of said Parcel "A"; thence northeasterly along the easterly right-of-way line of the Florida East Coast Railway, a distance of 10.36 feet to the south right-of-way of Southwest 15th Street; thence easterly along the south right-of-way line of Southwest 15th Street to an intersection with the easterly right-of-way line of U.S. Federal Highway No. 1 (State Road No. 5); thence northeasterly along said easterly right-of-way line of U.S. Federal Highway No. 1 to the east-west quarter section line of Section 7, Township 48 South, Range 43 East; thence easterly along said east-west quarter section line of Section 7 to the northwest corner of the east one-half (E $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 7; thence southerly along the west line of the east one-half (E $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 7 to an intersection with a line 165.0 feet south of and parallel with the north line of said southeast one-quarter (SE $\frac{1}{4}$) of Section 7; thence westerly along said parallel line to the west line of the northeast one-quarter (NE $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 7; thence southerly along said west line to the southwest corner of the southeast one-quarter (SE $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 7; thence easterly along the south line of the north one-half (N $\frac{1}{2}$) of the southeast one-quarter (SE $\frac{1}{4}$) to the southeast corner of the west one-half (W $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 7; thence northerly along the east line of the west one-half (W $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of said Section 7 to a point of intersection with the east and west quarter

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section line of said Section 7; thence easterly along the east and west quarter section line to the east boundary of Section 7; thence continuing easterly along the east and west quarter section line of Section 8, Township 48 South, Range 43 East, to the northwest corner of that part of Lot 9 lying west of the centerline of the Intracoastal Waterway of the Subdivision of Government Lots 2 and 3 of Section 8, Township 48 South, Range 43 East, according to the Plat thereof recorded in Plat Book "B," Page 154, of the Public Records of Dade County, Florida; said lands situate lying and being in Broward County, Florida, (said tract of land being hereinafter referred to as "Lot Nine"); thence running southerly along the west boundary of said Lot 9 to the southwest corner thereof; thence easterly along the south boundary of said Lot 9 to the southeast corner thereof; thence continuing easterly along a line which is an extension in an easterly direction of the south boundary of said Lot 9 to a point of intersection with the centerline of the now existing right-of-way of the Intracoastal Waterway (Florida East Coast Canal); thence northerly along the aforesaid centerline of the Intracoastal Waterway to the north boundary of said Section 8; thence, easterly along the north boundary of Section 8, to the waters of the Atlantic Ocean; thence due east to the eastern boundary of the State of Florida; thence northerly along the eastern boundary of the State of Florida to a point which is the northeast corner of Broward County, Florida, which is the point of beginning of this description.

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Those Powerline (SR 845) right-of-way parcels, lying in Section 10, Township 48 South, Range 42 East, deeded to Broward County and Recorded in Official Records Book 15126, Pages 180 thru 186 of the Public Records of Broward County, Florida,

and less

all that portion of the road right-of-way in Section 10, Township 48 South, Range 42 East, deeded to Broward County in Official Records Book 4816, Page 453, as recorded in the public records of Broward County, Florida, lying within 66.00 feet of the west line of said Section 10, Township 48 South, Range 42 East. (Amended to comply with State Legislature). (Ord. No. 1989/22, § 1, 3-21-89; Laws of Fla. ch. 90-486, § 1; Ord. No. 1993/057, § 2, 11-23-93; Ord. No. 1995/036, § 1, 9-5-95; Ord. No. 1995/043, § 1, 9-5-95; Ord. No. 1996/004, § 1, 2-20-96; Ord. No. 1997/005, § 1, 3-18-97; Ord. No. 1997/028, § 1, 9-16-97)

ARTICLE III. LEGISLATIVE**Section 3.01. City commission, composition, powers.**

There shall be a city commission with all legislative powers of the city vested therein, consisting of five (5) commissioners. One of the commissioners shall be the duly elected mayor, who shall be elected at large by the qualified electors of the city. The remaining four (4) commissioners shall be elected by the qualified electors residing in their district.

Section 3.02. Qualifications of mayor and commissioners.

(1) *Mayor.* Any qualified Broward County elector whose principal place of residence is in the City of Deerfield Beach and who has resided continuously in the city for six (6) months immediately prior to qualifying as a candidate for the office shall be eligible to hold the office of mayor. The mayor must continue to live within the city limits during the term of office or forfeit the office.

(2) *Commissioner.* Any qualified Broward County elector whose principal place of residence is in the City of Deerfield Beach and who has resided continuously in the city for six (6) months immediately prior to qualifying and in the district from which he seeks to qualify prior to qualifying as a candidate for the office shall be eligible to hold the office of city commissioner. During the term of office a commissioner must continue to live within the district from which he or she was elected or forfeit the office.

(Ord. No. 1989/10, § 1, 1-3-89/2-14-89; Ord. No. 1990/54, § 1, 9-5-90/11-6-90)

Section 3.03. Judge of qualifications.

The commission shall be the judge of the election and qualification of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city, at least one week in advance of the hearing.

Section 3.04. Election and terms.

(1) *Regular election.* There shall be no primary election. All candidates who qualify for an elective office in the city shall run in the regular election scheduled for the particular seat. When there is only one (1) candidate, the candidate shall be deemed to have voted for himself/herself and the person's name shall not appear on the ballot. The regular biannual election for the city commission shall be held pursuant to the Laws of Florida and Broward County. Beginning in March 2009 and continuing thereafter, city commission elections shall be held every two (2) years in March of every odd numbered year. It is the intent of the city to have staggered commission terms and elections. In March 2009 all four (4) commission seats and the mayor shall be on the ballot for election. The mayor shall stand for a four (4) year term. At least ninety (90) days prior to that election the city commission shall draw lots to determine the other two (2) commission districts which shall be for a four (4) year term. The two (2)

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districts chosen shall have a four (4) year term; the two (2) districts not chosen shall have a two (2) year term and consequently shall be up for election in March 2011. Thereafter all terms shall be four (4) years.

The candidate receiving the greatest number of votes for mayor shall be elected as mayor. The candidate receiving the greatest number of votes in the district in which he/she ran shall be elected as the commissioner from that district. The mayor and commissioners shall be chosen for a term of four (4) years (except for the two (2) seats transitioning to staggered terms as noted above for the March 2009 election only) and shall hold office until their successors are elected and qualified or until the office is forfeited or until a person resigns or until a person is removed from office as provided elsewhere.

(2) *District representation.* At least ninety (90) days prior to the regular city commission election to be held in March 2009 and the city commission election every four (4) years thereafter, the commission shall divide the city into four (4) districts (District 1, 2, 3 and 4) for the purpose of electing one (1) commissioner from each district. The division of the city into four (4) districts shall be as nearly as practicable on an equal population basis by contiguous boundaries. No sitting commissioner shall be disqualified from completing his or her term as a result of redistricting.

(3) No person may appear on the ballot for re-election to the Deerfield Beach City Commission (as defined in Section 3.01) if, by the end of the current term of office the person will have served (or, but for resignation, would have served) as a member of the Deerfield Beach City Commission for eight (8) consecutive years; provided that a commissioner subject to these term limitations by virtue of prior service as a commissioner shall be permitted to run for mayor and may serve as mayor and if elected shall be subject to the same term limit restrictions with regard to mayoral service as set forth above for commission service; provided further that should the person serving as mayor on the date this amendment is approved wish to appear on the ballot for re-election as mayor at the March 2009 election he shall be permitted to do so and may serve only that term and shall be barred from appearing on the ballot for a position on the city commission in the March 2013 election.

(Res. No. C-1988/93, 9-6-88/11-8-88; Res. No. C-1988/94, 9-6-88/11-8-88; Ord. No. 1989/8, § 1, 1-3-89/2-14-89; Ord. No. 1990/55, § 1, 9-5-90/11-6-90; Ord. No. 1993/003, § 1, 1-5-93; Ord. No. 1999/013, § 1, 9-7-99/11-2-99; Ord. No. 2006/018, §§ 2, 3, 6-20-06/11-7-06)

State law references—Uniform election, procedure and dates for Broward County City elections, Laws of Fla., chs. 75-350, 76-336, 77-507, 81-349; Florida election code, F.S. chs. 97—106.

Section 3.05. Oath of office.

Before entering upon the duties of their respective offices, all elected officers shall each take and subscribe substantially to the following oath: "I do solemnly swear or affirm that I am a citizen of the State of Florida and of the United States of America and a registered voter and resident of the City of Deerfield Beach, as shown by the public records of Broward County, Florida. I am being employed as a Commissioner of the City of Deerfield Beach and will be a recipient of public funds. As such Commissioner I further swear or affirm that I will support

the Charter of the City of Deerfield Beach, the Constitution of the State of Florida, and the Constitution of the United States, and that I will well and faithfully perform the duties of my office upon which I am about to enter."

(Ord. No. 1990/56, § 1, 9-5-90/11-6-90)

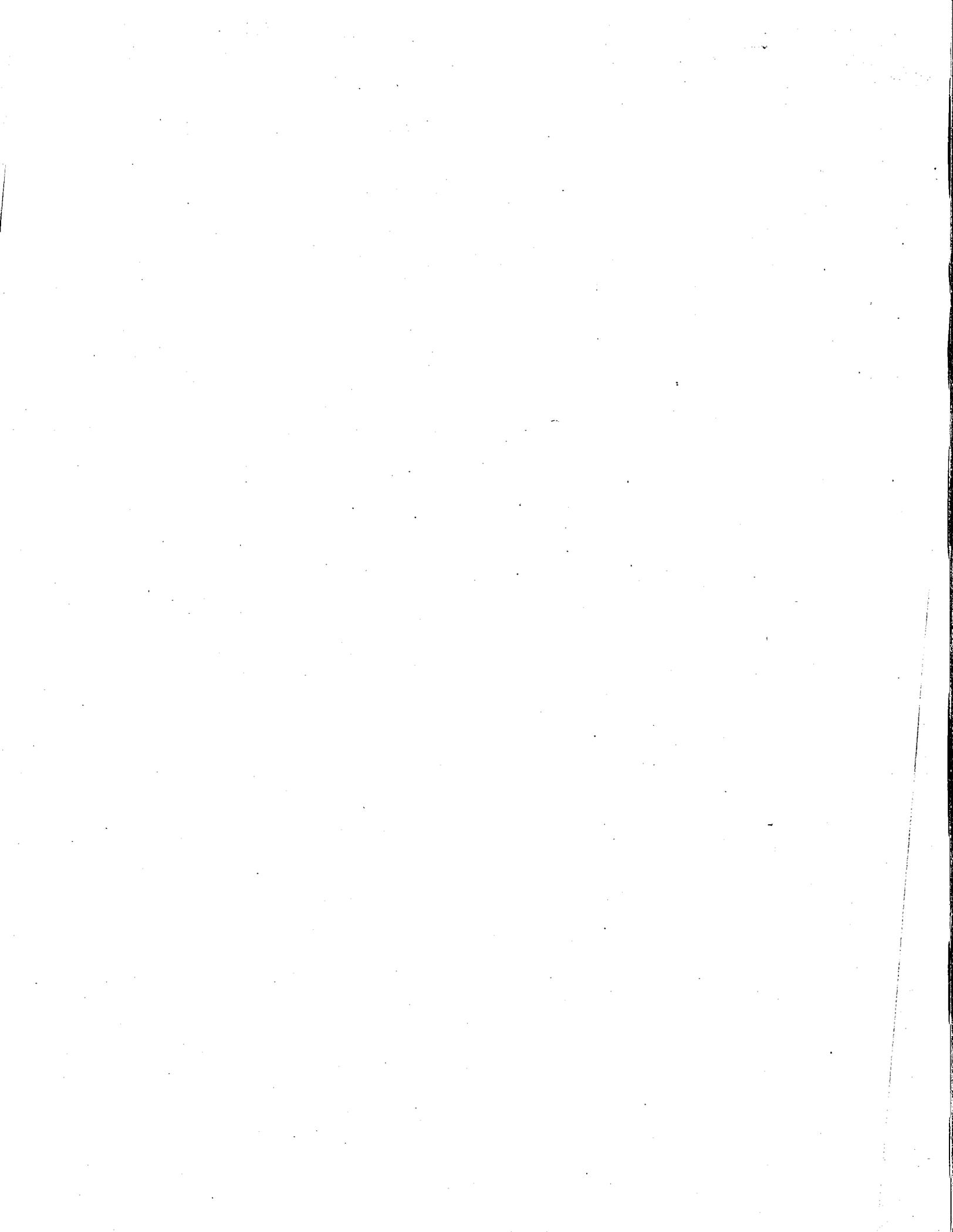
State law reference—Oath, F.S. § 876.05.

Section 3.06. Mayor and vice mayor.

(a) *Mayor.* The mayor shall preside at meetings of the commission and shall be recognized as head of the city government for all ceremonial purposes; by the governor for purposes of military law and civil disaster; for execution of contracts, deeds and other documents except as otherwise provided in article IV; for service of process; and as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

(b) *Vice mayor.* Dependent upon the length of the term to which the commissioners have been elected, pursuant to the provisions of section 3.04(2) of this Charter, and to the extent possible, each commissioner shall serve as vice mayor of the city for a term of one year during his term as commissioner.

At the first meeting following the regularly scheduled election in March the commission shall designate which of its members shall serve which year as vice mayor. The commission shall designate its member with the greatest prior length of service as a commissioner to be immediately installed and to serve as vice mayor for the first year immediately following the election. The commissioner with the next greatest prior length of service as a commissioner shall be designated to serve as vice mayor for the second year immediately following the



election. The commissioner with the next greatest prior length of service as a commissioner shall be designated to serve as vice mayor for the third year immediately following the election. If commissioners are serving four-year terms then the commissioner with the least prior length of service shall be designated to serve as vice mayor for the fourth year. In the event of equal lengths of prior service among commissioners then the order of years in which such commissioners, with such equal service, shall serve as vice mayor shall be determined by lot. Each vice mayor's term shall expire on the date of the first city commission meeting following the three hundred sixty-fifth (365th) day after his installation as vice mayor. Each successive vice mayor shall be installed at the same city commission meeting at which his predecessor's term expired.

In the event of a vacancy in the office of vice mayor created because the commissioner then serving as vice mayor leaves his office as commissioner, then the then remaining commissioners shall elect one of their members to serve as vice mayor for the remaining term that the absent commissioner would have served had he completed his term as commissioner.

The vice mayor shall act as mayor during the absence or disability of the mayor.
(Ord. No. 1989/9, § 1, 1-3-89/2-14-89)

Section 3.07. Compensation and expenses.

The commission may determine the annual salary of the commissioners. No ordinance increasing or decreasing such salary shall become effective until the date of the commencement of the term of commissioners elected at the next regular election. Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

Section 3.08. General powers and duties.

All powers of the city shall be vested in the commission, except as otherwise provided for by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. The city commission may establish by ordinance city departments, offices, agencies and boards and may prescribe their functions and duties subject to this Charter.

Section 3.09. Prohibitions.

(1) *Holding other office.* Except where authorized by law; no mayor or commissioner shall hold any other Deerfield Beach city office, Deerfield Beach city employment, or other elected public office during the term for which said person was elected as mayor or to the commission, and no former mayor or commissioner shall hold any compensated appointive Deerfield Beach city office or Deerfield Beach city employment until one year after the expiration of the term for which said person was elected as mayor or to the commission.

(2) *Appointments and removals.* Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his subordinates are empowered to appoint, but the

commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(3) *Oversight of administration.* Except for the purpose of inquiries and investigations, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the commission from examining by question and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the commission and assure the implementation of such policies as have been adopted.

It is the express intent of this provision, however, that such inquiry shall not interfere directly with the regular municipal operations of the city and that recommendations for change or improvement in city government operations be made to and through the city manager.

Section 3.10. Vacancies, forfeiture of office, filling of vacancies.

(1) *Vacancies.* A vacancy in the city commission occurs when a commissioner leaves office otherwise than by the normal expiration of his term of office. The office of a commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office, such forfeiture to be declared by the remaining members of the commission.

(2) *Forfeiture of office.* A commissioner shall forfeit his office if said person, (a) lacks at any time during a term of office any qualification for the office prescribed by this Charter or law, (b) violates any standard of conduct or code of ethics established by law for public officials, (c) is convicted of a felony while in office, or (d) fails to attend four (4) consecutive regular meetings of the commission without being excused by the commission by formal action entered upon the minutes, or (e) has become incapable of performing the duties of commissioner for a period of more than three (3) months. In all circumstances arising under this article the commission shall be the judge of its own membership, and the applicability of its provisions.

(3) *Filling of vacancies: Mayor, vice-mayor, commissioner.* A vacancy or vacancies in the city commission shall be filled as provided in the following:

(a) *Appointment.* Whenever there is a vacancy in the office of mayor and there are less than nine (9) months remaining before the next regular city election, the vice-mayor shall succeed to the office of mayor until that election. The commissioners shall then elect a vice-mayor from the remaining members.

Whenever there is a vacancy or vacancies in the office of commissioner and there are less than nine (9) months remaining before the next regular city election, the remaining commissioners shall each propose the name of one qualified successor to fill each vacancy, and the remaining commissioners shall then select a qualified successor or successors from among those names to serve until that election. If a majority

of the remaining commissioners are unable to fill a vacancy or vacancies after two (2) regular meetings have been held, then such officer or officers shall be chosen from among the same proposed names only, by lot, conducted in public by the city clerk who shall certify the result.

- (b) *Special elections.* If no regular city election is scheduled within nine (9) months, the commission shall schedule a special election to fill the unexpired term of mayor or a commissioner held not sooner than forty-five (45) days, nor more than seventy-five (75) days following the occurrence of the vacancy or vacancies.

In any special election held for the purpose of this section, the provisions for candidates and elections of article VI of this Charter shall apply.

- (c) *Term.* The term of office for vacancies filled by election shall be for the remainder of the unexpired term of the office in which the vacancy exists.
- (d) *Quorum requirements.* Notwithstanding the quorum requirements established by this Charter at section 3.15(7), if at any time the membership of the commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint a qualified elector of the city as an interim, additional commissioner to serve until the next regular city election if less than six (6) months remain until that election. If, however, following the appointment of the interim, additional commissioner in order to have quorum for the conduct of municipal affairs there shall be more than six (6) months remaining before the next regular city election, the commission shall call a special election to elect additional members in order to form a whole commission, including the position occupied by the interim, additional commissioner. In the event that the remaining members of a commission lacking a quorum are unable to agree on the appointment of an interim, additional commissioner after two (2) weeks of deliberation, the governor shall appoint such interim, additional commissioner in order to provide a quorum for the conduct of municipal affairs.
- (e) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in [subsection] (b) above and such election shall be conducted to fill the specific vacancies in the manner provided for under the regular election procedures of this city.
- (f) *[Qualifications to fill vacancy.]* A vacancy in the office of commissioner shall be filled by a person having the same qualifications as the commissioner no longer in office. If the vacancy is to be filled by appointment the appointee shall be a person from the same district as the commissioner no longer in office. If the vacancy is to be filled by election, the candidates for election shall reside in and be elected by the qualified electors in the same district from which the commissioner, who is no longer serving, was elected.

(Ord. No. 1989/11, § 1, 1-3-89/2-14-89)

Section 3.11. Legal officer.

There shall be a legal officer of the city, appointed or removed, by a majority of the full commission, who shall serve as chief legal advisor to the commission, the city manager and all

city departments, offices and agencies, and who shall assure that the city is represented in all legal proceedings and perform any other duties prescribed by this Charter, by resolution, or by ordinance.

Section 3.12. City boards.

(1) *City boards.* The commission may at any time by ordinance create and appoint members to boards, authorities, committees, agencies and commissions (hereafter "boards") in connection with any functions of the city. The ordinance creating such boards shall specify the powers and duties of the board, and the number, qualifications and terms of office of the members thereof.

(2) *Special purpose limited time advisory board.* The commission may by resolution create a board whose purpose is solely to advise the commission on an item of a special nature and whose creation is for a stated period of time at the end of which time the board will no longer exist. The resolution creating such board shall specify its powers and duties, the time for which it shall exist and the number, qualifications and terms of office of the members thereof.

(3) *General provisions.* Members of boards shall be residents of the city. Members shall serve without compensation, but shall receive necessary expenses as may be approved by the commission and supported by proper documentation. Even though the creating ordinance or resolution for a board may prescribe given terms of office for board members, such members shall serve at the pleasure of the commission and thus may be removed without cause by a majority vote of the commission, unless otherwise provided by this Charter or Florida Statutes. The commission may at any time abolish any existing board and eliminate the duties of such board or transfer the duties of same to any other board. No person shall serve simultaneously on more than one (1) board during the term of office. Appointments to all boards shall be by resolution. The city manager or his representative shall be an ex-officio member of all boards. All boards shall be part of the municipal government and shall utilize insofar as practicable the services of the regular departments in the city including the office of city attorney.

(4) *Forfeiture of office.* Any member of any board created pursuant to this section 3.12, who becomes a candidate for any public elective office in the City of Deerfield Beach shall automatically forfeit his office on any such board.

(Ord. No. 1990/57, § 1, 9-5-90/11-6-90)

Section 3.13. Investigations.

The commission by majority vote of the full membership may make investigations into the affairs of the city and the conduct of any city department, election, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the commission shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than thirty (30) days, or both.

Section 3.14. Independent audit.

The commission shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The commission may, without requiring competitive bids, designate such accountant or firm of accountants annually or biennially, provided that the designation for any particular fiscal year shall be made not later than ninety (90) days after the beginning of such fiscal year. If the state makes such an audit, the commission may accept it as satisfying the requirements of this section.

Section 3.15. Procedure and meetings.

(1) *Organization.* At the next regular meeting following each regular election, and certification by the supervisor of elections, or as soon as may be practicable thereafter if there has been a disputed election, the commission shall meet in its usual meeting place. At this time, the newly-elected commissioners shall take the oath of office and assume the duties of their office.

(2) *Regular.* The commission shall meet regularly not less than once each month and at such times and places as shall be specified by resolution. All meetings, formal or informal, of the city commission, all committees and all boards, elective or appointive, administrative or advisory, shall be conducted in open session and the press and public shall be permitted to attend any of such meetings, except such private, executive sessions as may be permitted by law.

(3) *Special.* Special meetings may be held on the call of the mayor or of a majority of the members of the commission, upon no less than six (6) hours notice to each member, the city manager, city clerk, city attorney and the public.

(4) *Workshop.* In addition to regular and special meetings, the mayor, or the commission by a majority vote, may decide to hold workshop meetings for information on, and discussion of, municipal and related matters, which meetings may be conducted like regular meetings except that no resolution or ordinance may be adopted at a workshop meeting.

(5) *Emergency.* Emergency meetings may be held on the call of the mayor or of a majority of the members of the commission whenever there is a public emergency affecting life, health, property or the public peace, and whenever practicable, upon no less than one (1) hour's notice to each member and the public.

(6) *Rules and journal.* The commission shall determine its own rules and order of business and shall provide for keeping a written record or journal of its proceedings. The journal shall be a public record.

(7) *Voting.* Voting on ordinances and resolutions shall be by roll call and shall be recorded in the journal. A majority of the commission shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the

commission, except as otherwise provided in this Charter, in the preceding sentence, and in section 3.10(3), shall be valid or binding unless adopted by the affirmative vote of the majority of the commission.

(Ord. No. 1982/25, § 1, 5-4-82/2-8-83)

Section 3.16. Ordinances and resolutions.

"Ordinance" means an official, legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law. A "resolution" is an expression of the commission on matters of official concern, opinion, or administration, of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

- (1) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection, or paragraph of a section or subsection.
- (2) *Procedure.* A proposed ordinance shall be read by title or in full on the first reading, and by title or in full on the second reading on at least two (2) separate days, at either regular or special meetings of the commission. Prior to second reading, a proposed ordinance shall be advertised, as required by Florida State law, in a newspaper of general circulation in the city. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances and the place or places within the city where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (3) *Effective date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective upon adoption or as otherwise specified herein, provided that Ordinances No. 617 and No. 651 shall remain in effect and shall not be subjected to change unless said change is approved by a $\frac{4}{5}$ vote of the city commission.
- (4) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
 - (a) Adopt or amend an administrative code or whenever deemed necessary, the commission may by ordinance temporarily or permanently combine any of the departments, divisions or agencies of the city, and assign additional functions and duties to any department, division and agency of the city;
 - (b) Establish a rule or regulation the violation of which carries a penalty;
 - (c) Levy taxes authorized by general law;
 - (d) Grant, renew or extend a franchise;

- (e) Authorize the borrowing of money not inconsistent with the limitations in the constitution and general law of the state;
- (f) Leases or authorizes by administrative action the lease of any lands of the city; for a period to exceed five (5) years;
- (g) Adopt with or without amendment ordinances proposed under the initiative power.

(Ord. No. 1101, § 1, 10-8-79/11-6-79; Ord. No. 1990/58, § 1, 9-5-90/11-6-90; Ord. No. 2006/018, § 4, 6-20-06/11-7-06)

Section 3.17. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, review [renew] or extend a franchise, set service or user charges for any municipal services or authorize the borrowing of money except as provided under the emergency appropriations provisions of article V, section 5.05(5) of this Charter.

- (1) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (2) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority of the commission shall be required for adoption. After its adoption, the ordinance shall be published once in a newspaper of general circulation.
- (3) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (4) *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of an emergency ordinance.

Section 3.18. Authentication, recording and disposition of ordinance[s], resolutions and charter amendments.

(1) *Authentication.* The presiding officer of the commission and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the commission. In addition, when charter amendments have been approved by the electors, the presiding officer of the commission and the city clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

(2) *Recording.* The city clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the commission. Ordinances shall be codified periodically, published and made available for distribution on a continuing basis. The city clerk shall also maintain the city charter in current form and shall enter all Charter amendments and send a copy of the revised charter incorporating amendments to the Secretary of State's Office.

(3) *Printing.* The commission shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

ARTICLE IV. ADMINISTRATIVE

Section 4.01. City manager; appointment, qualifications, term and compensation.

The city commission shall by a majority vote of the commission appoint a city manager. The city manager shall serve such term and receive such compensation as the commission may fix and determine. The manager shall be chosen on the basis of executive and administrative qualifications without regard to political beliefs, shall be over the age of twenty-one (21), need not be a resident of the city or state at time of appointment, but shall not reside outside the city without the approval of the commission.

(Ord. No. 2006/018, § 5, 6-20-06/11-7-06)

Section 4.02. Removal of city manager.

The city commission may, by majority vote, adopt a motion providing for the termination of the city manager. Upon adopting such motion, the city commission shall schedule a hearing, to be held no sooner than ten (10) days, nor later than twenty-one (21) days after the adoption of the motion, at which time it shall consider a resolution for termination of the city manager. If the resolution for termination is adopted by a majority of the city commission, the city manager shall be removed, effective on the date of the adoption of the resolution.

The provision for termination of the city manager, as set forth above, shall not be effective until June 1, 2007. Any termination of the city manager prior to that date shall be undertaken in conformance with the provisions of the City of Deerfield Beach Charter as it existed prior to approval of this amendment by the voters of the City of Deerfield Beach.

(Ord. No. 2006/018, § 5, 6-20-06/11-7-06)

Section 4.03. Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. He shall be responsible to the commission for the administration of all city affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

- (1) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all city employees and appointive administrative officers provided for by and

under this Charter, except as otherwise provided by law, this Charter, the civil service system and personnel rules adopted pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.
- (3) Attend all commission meetings and shall have the right to take part in discussion but shall not vote.
- (4) See that all laws, provisions of this charter and acts of the commission, subject to enforcement by the manager or by those officers subject to his direction and supervision, are faithfully executed.
- (5) Prepare and submit the annual budget and capital program to the commission as provided under article V.
- (6) Submit to the commission and make available to the public within a reasonable time a report on the finances and administrative activities of the city as of the end of each fiscal year.
- (7) Make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to the manager's direction and supervision.
- (8) Keep the commission advised as to the financial condition and future needs of the city and make recommendations to the commission concerning the affairs of the city.
- (9) To purchase supplies and non-capital equipment and contract for repairs and improvements for the various departments of the city in an amount which shall be determined from time to time by the commission.
- (10) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.
- (11) Perform such other duties as are specified in this Charter, by law, or as required by the commission.
- (12) In time of emergency or disaster, assume full temporary direction of all municipal operations in the absence of the mayor and vice-mayor.

Section 4.04. Administrative departments.

(1) The city commission shall in its discretion establish by ordinance the administrative organization of the city with such departments, offices, agencies, authorities and boards as it deems necessary from time to time.

(2) Except as otherwise provided in this Charter or by general law, the city manager will be responsible for the supervision and direction of all departments, agencies or offices of the city. All departments, offices and agencies under the direction and supervision of the manager shall

be administered by an officer appointed by and subject to the direction and supervision of the manager. The manager may serve as the head of one (1) or more such departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.

Section 4.05. Personnel and civil service system.

All appointments and promotion of city employees and city officers shall be made on the basis of merit and fitness, demonstrated by examination, professional evaluation or other evidence of competence, and to this end the commission by ordinance shall maintain a civil service system with established personnel procedures and rules, provided that the current provisions of Ordinance No. 617 and No. 651 shall not be amended except by a vote of $\frac{4}{5}$ of the city commission. The civil service system shall provide for a review for personnel actions initiated by the city manager and his designated representatives. The city manager, all city employees and all members of city boards, authorities, agencies, commissions and advisory boards shall take and subscribe to an oath of office as follows:

For a citizen: "I, as a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the City of Deerfield Beach and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Charter of the City of Deerfield Beach, the Constitution of the State of Florida and the Constitution of the United States."

For a non-citizen: "I, as an alien resident of the State of Florida and not a citizen of Florida nor of the United States of America, but being employed by or an officer of the City of Deerfield Beach and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Charter of the City of Deerfield Beach, the Constitution of the State of Florida and the Constitution of the United States."
(Ord. No. 1990/59, § 1, 9-5-90/11-6-90; Ord. No. 2006/018, § 4, 6-20-06/11-7-06)

State law reference—Oath of office, F.S. § 876.05.

Section 4.06. City clerk.

The city manager shall appoint the city clerk with the consent of the city commission when a vacancy exists. The city clerk shall administer any oath required by law or ordinance of the city; shall give notice of meetings of the city commission, shall attend the meetings of the city commission, shall keep the journal of its proceedings, shall authenticate by his/her signature on record in full the book kept for the purpose of recording ordinances and resolutions of the commission, shall be the custodian of the seal and of all official city records, and shall perform such [other] duties as shall be required by law, by this Charter, by city ordinance or by the city manager.

Section 4.07. Administrative code.

The city manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the commission.

Section 4.08. Acting city manager.

By letter filed with the city clerk, the city manager shall designate, subject to approval by the commission, a qualified city administrative officer to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or the disability shall cease.

Section 4.09. Administrative organization.

The administrative powers of the city shall be vested in the city manager and exercised through such departments, divisions and agencies as the commission by ordinance may from time to time designate and establish. Two or more departments, agencies or parts thereof may be headed by the same individual. Whenever necessary, the commission may redesignate and restructure any of the administrative units of the city.

ARTICLE V. FINANCIAL PROCEDURES***Section 5.01. Fiscal year.**

The fiscal year of the city shall conform to the general law of the state and shall commence on the first day of October and end the last day of September in each year as currently provided and until such controlling general law shall be changed.

State law reference—Fiscal year mandated, F.S. §§ 166.221, 218.33.

Section 5.02. Budget and budget message.

On or before the 15th day of August of each year, the city manager shall submit to the commission a budget for the ensuing fiscal year, and a budget message.

The budget message shall explain the budget in fiscal terms and describe programs. It shall outline the financial policies of the city for the fiscal year, indicate major changes in policy, expenditure and revenue together with the reasons for such changes, summarize the city's debt position, and include such other material as the manager deems desirable. The total of proposed expenditures shall not exceed the total of estimated income.

State law reference—Budget adoption procedure, F.S. § 200.065.

Section 5.03. Capital program.

The manager shall prepare and submit on an annual basis a five-year capital program which the commission may adopt by resolution. The capital program shall include: A general summary, a list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, cost estimates, methods of financing and recommended time schedules for such improvements, and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

***State law reference**—Financial matters, F.S. ch. 218.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.04. Budget adoption.

The commission shall by ordinance adopt the budget pursuant to the provisions of section 3.16 on or before the 30th day of September of each year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it pro-rated accordingly, until such time as the commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

State law reference—Budget adoption procedure, F.S. § 200.065.

Section 5.05. Amendments after adoption.

(1) *Supplemental appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(2) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the commission without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and recommendations as to any other steps to be taken. The commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(3) *Transfer of appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request approved by the commission, the manager may transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(4) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(5) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the commission may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions in section 3.17. To the extent that there are no available unappropriated revenues to meet such appropriations, the commission may by such emergency ordinance authorize the issuance of emergency notes,

which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Section 5.06. Payment of money by city.

Money shall be paid out of the city treasury only on warrants or checks signed by the director of management and budget and countersigned by the city manager.

Section 5.07. Bonds of city officers and employees.

The city commission shall determine by ordinance which city officers and employees in addition to the city manager, the city clerk, and finance director shall give bond and the amount of penalty thereof. All persons required by the city commission to give bond shall upon entering upon their respective duties give bond with surety to be approved by the commission, conditioned for the faithful performance of these respective offices, which bond shall be payable to the city in such penalty as the commission may prescribe and surety on any official bond shall be guaranteed only by a known, solvent bonding and surety company authorized to do business in the State of Florida. The premium on any bonds shall be paid by the city and notice of such bonds shall be filed with the city clerk.

ARTICLE VI. ELECTIONS*

Section 6.01. City elections generally.

(1) *Commission powers.* The city commission, by ordinance and subject to the provisions of the Constitution and Laws of Florida, Broward County, and this Charter, shall have the power to call for regular and special elections as may be required for the city and to make all necessary regulations for the conduct thereof.

(2) *Electors.* All citizens qualified by the Constitution and laws of Florida to vote in the city, and who satisfy the requirements for registration prescribed by law, shall be qualified electors within the meaning of this Charter.

(3) *Number of votes.* Every elector shall be entitled to vote for the mayor and one (1) candidate for the city commission seeking to represent the district wherein the elector resides.

(4) *Non-partisan elections.* All nominations and elections for the office of city commissioner shall be conducted on a non-partisan basis without regard for a designation of a political party affiliation for any nominee or any nominating petition or ballot.

State law references—Registration of electors, F.S. § 98.041; qualifications of electors, F.S. §§ 97.041, 166.132.

***State law references**—Uniform election procedure and dates for Broward County city elections, Laws of Fla., chs. 75-350, 76-336, 77-507, 81-349; Florida election code, F.S. chs. 97—106.

Section 6.02. Conduct of elections.

Except as otherwise provided by this Charter, the provisions of the general election laws of the State of Florida and Broward County shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law.

For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the commission may adopt, by ordinance, other election regulations which it considers desirable, consistent with law and this Charter.

State law reference—Uniform election procedure and dates for Broward County city elections, Laws of Fla. chs. 75-350, 76-336, 77-507, 81-349.

Section 6.03. Voting machines.

The commission may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

Section 6.04. Form of ballots.

(1) *The commission.* The commission, by ordinance, shall prescribe the form of ballot, including the method of listing candidates for the city commission elections and any other city election.

(2) *Names on ballots.* The full names of all candidates nominated for the city commission, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol. The order in which the candidates names shall appear on the ballot shall be determined by lot conducted by the city clerk with at least 48 hours notice to the candidate stating the time and place for conducting the lot.
(Ord. No. 2006/018, § 8, 6-20-06/11-7-06)

Section 6.05. Regular and special elections.

(1) *Regular elections.* A regular city election for the purpose of electing members of the city commission shall be held as provided for in section 3.04 of this Charter.

(2) *Special elections.* Special city elections may be held to fill vacancies in the city commission; to submit to referendum proposed charter amendments, bond proposals, initiative and referendum proposals, and any other issues requiring the expression of voter opinion; and to comply with the recall provisions of this Charter and the Florida Statutes.
(Ord. No. 1990/55, § 1, 9-5-90/11-6-90)

Section 6.06. Candidates, affidavits and qualifying fee.

(1) Every candidate for an elective office in the City of Deerfield Beach shall file with the city clerk a notice of candidacy, candidate's affidavit and nonrefundable filing fee in the amount of \$100 or as subsequently changed by ordinance during the time prescribed by law.

Section 6.07. Election of mayor and commissioners.

(1) *Election of mayor.* The candidate for mayor in a regular or special election receiving the greatest number of votes cast for that office shall be declared elected when the election result is certified by the county supervisor of elections.

(2) *Election of commissioners.* The candidate for commissioner in a regular or special election from each numbered district receiving the greatest number of votes cast for that office by the electors residing in the candidate's district shall be declared elected when the election result is certified by the county supervisor of elections.

Section 6.08. Tie votes.

In the event of a tie vote between two (2) or more candidates for any elective office if the certified election results indicate a tie vote between candidates for an elective office in any designated group, then the tie shall be decided by lot, to be conducted in public by the city clerk who shall certify the result.

Section 6.09. Certificate of election.

Results of elections conducted under provisions of this charter shall be certified by the county supervisor of elections on the day following the election or when any recount or protest shall have been completed and certified.

ARTICLE VII. RECALL, INITIATIVE AND REFERENDUM**Section 7.01. Recall of elected officials.**

The qualified electors of the city shall have the power to recall and to remove from office any elected official of the city in accordance with the Florida Statutes.

(Ord. No. 2006/018, § 8, 6-20-06/11-7-06)

State law reference—Recall of municipal officials, F.S. § 100.361.

Section 7.02. Initiative.

The qualified voters of the city shall have the power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election; provided that if any proposed initiative ordinance shall provide for a decrease in (a) the city budget or capital program, (b) appropriation of money, or (c) levy of taxes, said proposal shall not affect the current city budget, and, provided further that if at the time of adoption there are less than six (6) months remaining in the fiscal year the proposal shall not take effect until six (6) months after its adoption by the voters so that if changes in municipal services became necessary, the city can plan in an orderly way to protect the health and safety of the citizens; and provided further that no initiative proposal shall affect existing contracts or contractual obligations of the city.

Section 7.03. Referendum.

The qualified voters of the city shall have the power to require reconsideration by the commission of any adopted ordinances and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election; provided that if a referendum is sought on an adopted ordinance and the effect of the repeal of such ordinance would decrease (a) the city budget and capital program, (b) appropriation of money, or (c) levy of taxes, such proposal to repeal shall not affect the current city budget and if there are less than six (6) months remaining in the fiscal year the proposal shall not take effect until six (6) months after its adoption by the voters so that if changes in municipal services became necessary the city can plan in an orderly way to protect the health and safety of the citizens; and provided further that no referendum proposal under this section shall affect existing contracts or contractual obligations of the city.

Section 7.04. Commencement of proceedings.

Any one hundred (100) qualified voters may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the commission an affidavit designating one member as "chairperson of the committee" and stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the clerk or other official designated by the commission may at the committee's request, issue the appropriate petition blanks to the petitioners' committee.

Section 7.05. Petitions.

(1) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least ten percent (10%) of the total number of qualified voters registered to vote at the last regular city election.

(2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and the petition shall contain the printed name and street address and voting precinct of the person signing. Petitions shall contain throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereof, that all the signatures were affixed in his presence, that he believes them to be the genuine signature of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(4) *Time for filing petitions.* All petitions in a completed form must be filed with the city clerk within ninety (90) calendar days after the commencement of proceedings according to section 7.04.

(5) *City attorney.* The sole responsibility of the city attorney with reference to petitions shall be to offer an opinion on the legal sufficiency of the petition language.
(Ord. No. 2006/018, § 8, 6-20-06/11-7-06)

Section 7.06. Procedure for filing.

(1) *Certificate of clerk; amendment.* Within forty-five (45) days after an initiative petition is filed and forty-five (45) days for a referendum petition, the city clerk or other official designated by law or the commission shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. Grounds for insufficiency are only those specified in section 7.05. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the commission within three (3) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within fifteen (15) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (2) and (3) of section 7.05. Within five (5) days after it is filed the clerk or other official designated by the commission shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request commission review under subsection (2) of this section within the time required, the clerk or other official designated by the commission shall promptly present his certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within three (3) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

Section 7.07. Action on petitions.

(1) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in article III, or reconsider the referred ordinance by voting its

repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the city.

(2) *Submission to voters.* When there is to be a vote of the city on a proposed or referred ordinance it shall be held not less than forty-five (45) days and not later than one hundred eighty (180) days from the date of the final commission vote thereon. If no regular city or general election is to be held within the period described in this subsection, the commission shall provide for a special election, except that the commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be published at least by title only ten (10) days before any such election in a newspaper of general circulation in the city and shall be made available in full at the city hall and at the polls.

(3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the commission a request for withdrawal signed by the chairperson and at least fifty-one (51) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(4) *Withdrawal of signatures.* Any elector signing such petition may file a demand in writing with the city clerk to have his/her name stricken and deleted from the petition and such demand shall be honored and the name deleted by the city clerk. No signature may be stricken after the clerk has certified the total of electors to the commission.

(5) *End of petitions process.* The petitions process may be declared null, void and at an end if petitions with a sufficient number of signatures have not been submitted to the city clerk within the required time limits according to section 7.05(4).

Section 7.08. Results of election.

(1) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. A tie vote shall nullify such election.

(2) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 7.09. Other referendum election.

(1) *Repeal or amendment of ordinance.* Any existing ordinance of the city, including ordinances approved by the qualified electors of the city, may be repealed or amended by a majority of the qualified electors of the city voting at a regular city, general or special election.

(2) *Sale, gift, trade, transfer or lease of public property.* Any (a) sale, gift, trade, transfer or lease of all or a portion of city-owned real property, or (b) sale, gift, trade, transfer or lease of any interest right to all or a portion of city-owned real property, must be approved by a majority of the qualified electors of the city voting at a regular city, general or special election if the fair market value of the real property is in excess of \$750,000.00. If a portion of city-owned real property is being considered, the value of the entire parcel must be determined for purposes of determining fair market value. Fair market value is defined as the highest price valued in terms of money that the land would bring in if exposed for sale in the open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all the uses and purposes for which it may be capable of being used. Sale is defined as any transfer of real property to another party. Gift is defined as the conveying of title or interest in real property to another party. Trade is defined as the exchange of real property to another party for consideration. Transfer is defined as conveying of title, interest or rights in real property to another party. Lease is defined as a contract for possession or use of real property. The only exceptions to this referendum requirement are that the city commission may, upon a four-fifths majority vote, award leases or contracts (but may not sell, gift, trade or transfer) for a pier restaurant or snack facility located east of Ocean Drive or for the operation of the pier itself or for the operation of a business for cabanas, umbrellas and chairs on the beach.

(3) *Commission procedure.* When such matters are submitted to a referendum either on motion of the commission or as the result of initiative or referendum proceedings arising under the preceding sections of article VII, the commission shall pass a resolution calling for a referendum election in accordance with the provisions of article VII.

(Res. No. C-1998/073, § 1, 5-26-98)

Section 7.10. Amendment and repeal of electoral vote ordinance.

No ordinance passed by an electoral vote can be repealed or amended except by electoral vote; but an ordinance to repeal or amend any such ordinance may, by resolution of a majority of the commission, be submitted to an electoral vote at any regular city or general election or referendum election, provided notice of intention to do so be published in the manner required for the publication of initiated ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner and vote shall have the same effect as in cases of ordinances submitted to an electoral vote by initiative proceedings.

ARTICLE VIII. OFFICIAL CONDUCT*

Section 8.01. Standards of ethics.

All elected officials and employees of the city shall be subject to the standards of conduct for public officers and employees set by general law and this Charter. In addition, the commission may, by ordinance, establish a code of ethics for officials and employees of the city.

*State law reference—Code of ethics, F.S. § 112.311 et seq.

Section 8.02. Personal financial interest.

Any city officer, employee, board member or members of their immediate families who have a financial interest, direct or indirect in any corporation, partnership or other organization in any contract with the city, in zoning and land classification, or in the sale of any land, material supplies or services to the city or to a contractor supplying the city, shall make known that interest at the time the matter is under consideration; and, if substantial, shall refrain from voting upon or otherwise participating in such capacity as a city officer, employee or board member in the making of such sale or in the making or performance of such contract. Nor shall any city officer, employee or board member, or members of their immediate families subsequently benefit from any contract with the city, or matters of zoning and land classification, or the sale of any land, material, supplies or services to the city or to a contractor supplying the city wherein his financial interest failed to be disclosed under penalty of forfeiture of office or position and such additional penalties as may be prescribed by law. Any city officer, employee, or board member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section, shall be guilty of malfeasance in office or position and shall forfeit such office or position. Violation of this section with the knowledge, express or implied, of the person, corporation, partnership or other organization contracting with or making a sale to the city may render the contract or sale voidable by the city manager with the concurrence of the city commission.

Section 8.03. Penalties.

Violations of ordinances or this charter shall be punishable in accordance with the uniform fines and penalties set by general law.

ARTICLE IX. CHARTER AMENDMENTS***Section 9.01. Charter amendment.**

(1) *Initiation by ordinance.* The commission may, by ordinance, propose amendments to any part or all of this Charter, except article II prescribing boundaries, and upon passage of the initiating ordinance, shall place the proposed amendment to a vote of the electors at the next regular city or general election held within the city or at any special election called for such purpose. Amendment of article II resulting from annexation done in accordance with general law shall be by ordinance of the commission and shall not be subject to a vote of the electors, except as provided by general law.

(2) *Initiation by petition.* The electors of the city may propose amendments to this Charter by a petition signed by the percentage of the registered electors of the city, as of the last preceding municipal general election, as required by Florida State Law and in accordance with Chapter 166, Florida Statutes, as amended.

(a) *Commencement of proceedings.* Any one hundred (100) qualified voters may commence Charter amendment proceedings by filing with the city clerk an affidavit stating that

*State law reference—Charter amendments, F.S. § 166.031.

they will constitute the petitioners' committee and designating one (1) person as chairperson of the committee and that they will be responsible for circulating the petition and filing it in proper form. In the affidavit they shall state their names and addresses and specify the address to which all notices to the committee are to be sent and setting out in full the proposed amendment to the Charter.

- (b) *Form and content.* All papers of a petition shall be uniform in size and style shall be in a form provided by the city clerk at the circulator's expense and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and street address of the person signing. Petitions shall contain the full text of the proposed Charter amendment.
- (c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed Charter amendment.
- (d) *Time for filing Charter amendment petitions.* Charter amendment petitions in completed form must be filed with the city clerk within ninety (90) days after the commencement of proceedings according to section 9.01(2)(a).
- (e) *[City attorney.]* The sole responsibility of the city attorney with reference to Charter amendment provisions shall be to offer an opinion on the legal sufficiency of the petition language.

(Ord. No. 1990/60, § 1, 9-5-90/11-6-90; Ord. No. 2006/018, § 8, 6-20-06/11-7-06)

Section 9.02. Procedure for filing charter amendments.

(1) *Certificate of clerk; amendments.* Within forty-five (45) days after a Charter amendment petition is filed, the city clerk or other official designated by law or the commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. Grounds for insufficiency are only those specified in section 9.01. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the commission within three (3) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within fifteen (15) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of section 9.01 and within five (5) days after it is filed the city clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly notify the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified

insufficient and the petitioners' committee does not elect to amend or request commission review under subsection (2) of this section within the time required, the clerk or other official designated by the commission shall promptly present his certificate to the commission.

(2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within three (3) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

Section 9.03. Action on petitions.

(1) *Action by commission.* When a Charter amendment petition has been finally determined sufficient, the commission shall take steps to hold an election on the proposal. Such election shall be held not less than forty-five (45) days and not later than one hundred eighty (180) days from the date of the final sufficiency of the petition. If no regular city or general election is to be held within the period described in this subsection, the commission shall provide for a special election, except that the commission may, in its discretion provide for a special election at an earlier date. Copies of the proposed amendment shall be published at least once by title only ten (10) days before any such election in a newspaper of general circulation in the city and shall be made available in full at the city hall and at the polls.

(2) *Withdrawal of petitions.* A Charter amendment petition may be withdrawn at any time prior to the day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the commission a request for withdrawal signed by the chairperson and at least fifty-one (51) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(3) *Withdrawal of signatures.* Any elector signing such petition may file a demand in writing with the city clerk to have his/her name stricken and deleted from the petition and such demand shall be honored and the name deleted by the city clerk. No signature may be stricken after the clerk has certified the total of electors to the commission.

(4) *End of petitions process.* The petitions process may be declared null, void and at an end if petitions with a sufficient number of signatures have not been submitted to the city clerk within the required time limits according to section 9.01(2)(d).

ARTICLE X. TRANSITION SCHEDULE

Section 10.01. Continuation of former Charter provisions.

All provisions of the Laws of Florida, Chapters 59-1214, 61-2068, 70-647 Special Acts and any amendments or additions thereto as amended by special law or otherwise, which are not

embraced herein and which are not inconsistent with this Charter, shall become ordinances of the city, subject to modification or repeal in the same manner as other ordinances of the city in accordance with general law, except Ordinance No. 617 and No. 651 which may be amended by a $\frac{4}{5}$ vote of the city commission.

(Ord. No. 2006/018, § 4, 6-20-06/11-7-06)

Section 10.02. Ordinances preserved.

All ordinances and resolutions in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Section 10.03. Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption.

Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected and take office.

City employees at the time this Charter takes effect who were serving in the same or comparable positions at the time of its adoption shall not be subjected to competitive tests as a condition of continued employment in the same positions, but all city employees in all other respects shall be subject to the personnel and civil service system provided for in section [article] IV, and such ordinances as may be adopted by the city commission.

Section 10.04. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this Charter.

Section 10.05. Schedule.

(1) *Time of taking full effect.* This Charter shall be in full effect for all purposes 30 days following its adoption in accordance with general law.

(2) *Transition ordinances.* The commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within sixty (60) days of the first commission meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures in article III section 3.17 except that transition ordinances shall be effective for up to ninety (90) days after enactment. Thereafter, such ordinances may be readopted, renewed or otherwise continued only in the manner prescribed for normal ordinances in article III.

Section 10.06. Deletion of obsolete schedule items.

The commission shall have power, by resolution, to delete from this article X any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

Section 10.07. Separability clause.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XI. BEACH DEVELOPMENT*

Sec. 11.01. Protection of beach area from excessive development.

The City of Deerfield Beach recognized that its "beach area" (defined as the area between the Intracoastal Waterway and the Atlantic Ocean) is a unique area where the citizens desire to preserve the "village" feel and have protections from excessive development so as to not further exacerbate traffic congestion. In furtherance of that goal, the City of Deerfield Beach shall require that any land development regulations for its beach area be at least as strict (but which may be more strict if desired by the city commission) as the following requirements (and, if there are not land development regulations covering these requirements or different land development regulations covering these requirements, then these requirements shall be the requirements upon passage of this referendum. This Charter amendment is effective upon passage of this referendum):

- | | |
|---|---------|
| (1) Height maximum for any property with a commercial zoning designation as of May 1, 2002: | 45 feet |
| (2) Height maximum for any property with a multi-family zoning designation as of May 1, 2002: | 55 feet |
| (3) Floor area ratio maximum for any property with a commercial zoning designation as of May 1, 2002: | 1.0 |
| (4) Floor area ratio maximum for any property with a multi-family zoning designation as of May 1, 2002: | .8 |
| (5) Maximum lot coverage percent for any property with a commercial zoning designation as of May 1, 2002: | 50% |
| (6) Maximum lot coverage percent for any property containing a multifamily and/or hotel or motel use: | 40% |

all as calculated in the manner prescribed in Deerfield Beach Land Use Regulations as they existed on May 1, 2002 (except for the floor area ratio maximum for any property with a multi-family zoning designation as of May 1, 2002, and that floor area ratio is calculated in the manner prescribed in Deerfield Beach Land Use Regulations as they existed on January 1, 2000).

***Editor's note**—Res. No. 2003/005, § 1, adopted Jan. 7, 2003, accepted the election results which adopted amendments to the Charter, which have been codified herein as Art. XI, §§ 11.01 and 11.02, at the discretion of the editor. See the Charter Comparative Table.

- (7) Mixed use involving commercial (including office) or multi-family and hotel/motel use for all property east of the Intracoastal, shall be prohibited except to the extent allowed under the Deerfield Beach Land Use Regulations as existed on May 1, 2002 and the Land Use Plan as existed in May 1, 2002.
 - (8) Accessory use involving commercial (including office) or multi-family and hotel/motel use for all property east of the Intracoastal, shall be prohibited except to the extent allowed under the Deerfield Beach Land Use Regulations as existed on May 1, 2002 and the Land Use Plan as existed in May 1, 2002.
 - (9) Any property with a single-family zoning designation as of May 1, 2002, shall be bound by the restrictions set forth above in the event that that property is later rezoned to a multifamily zoning designation in that such property shall have the height maximum (fifty-five (55) feet), floor area ratio maximum (.8) and maximum lot coverage percent (forty (40) percent), all as calculated in the manner prescribed in Deerfield Beach Land Use Regulations as they existed on May 1, 2002 (except for the floor area ratio maximum, and that floor area ratio is calculated in the manner prescribed in Deerfield Beach Land Use Regulations as they existed on January 1, 2000).
 - (10) Any property east of the Intracoastal which did not have a commercial zoning designation as of May 1, 2002 shall not be allowed to be rezoned to a commercial or mixed use commercial or other commercial zoning designation.
- (Res. No. 2003/005, § 1, 11-5-02/1-7-03)

Sec. 11.02. Protection of main beach parking areas.

(a) The City of Deerfield Beach recognizes that part of its uniqueness is the public's safe and convenient access to the beach and ocean. In furtherance of that purpose, the real property designated in this section ("designated main beach parking area" and "property") shall be limited in use as follows (This Charter amendment is effective upon passage of this referendum):

- (1) Parking and roadways for ingress and egress.
- (2) If a garage is constructed on the property, the garage facility shall not be more than two (2) stories in height (a ground level floor and additional floor above ground) and, if desirable, a below level floor may also be constructed. No garage facility constructed on the property specifically designated as the "main beach parking lot" shall be closer to the beach than one hundred ten (110) feet west of Ocean Way (N.E. 21st Avenue). Any garage facility must not be developed in excess of a maximum floor area ratio of 1.0 and a maximum lot coverage percent of fifty (50) percent, and all side and rear setbacks as existed on May 1, 2002 under the Deerfield Beach Land Use Regulations (except that the setback on the western portion of the property shall be at least twenty (20) feet), and all as calculated in the manner prescribed in Deerfield Beach Land Use Regulations as they existed on May 1, 2002.

- (3) The parking space on this property shall be of a size of at least ten (10) feet (width) by twenty (20) feet (length).
 - (4) The city shall be allowed to place fire, rescue, police, public safety, public restroom facilities and shower facilities on the property.
 - (5) Other than vending machines, there shall be no other significant commercial use (using this property occasionally for special municipal sponsored or affiliated events such as Founder's Day is not considered a significant commercial use. Significant commercial use is described for purposes of this section as use of the property for commercial purposes for more than fifteen (15) days per annum).
 - (6) Subordinate to the parking, a portion of said property may also be used for public non-commercial purposes, which include, but are not limited to a bandshell.
 - (7) The parking on this property cannot be used in any manner, either directly or indirectly, for technical parking deviations for other properties or to in any way lessen or decrease the off-street parking requirements of any other properties.
- (b) The city owned real property that is subject to this section and described as "designated main beach parking areas" is described as being in Deerfield Beach, Broward County, Florida as follows:
- (1) *"Main beach parking lot"*: Deerfield Beach Plat Book 4, Page 4, Lot 1, 2, 22, BLK 11; Deerfield Beach Plat Book 4, Page 4, Lot 3, 4, 5, 6 BLK 11; Deerfield Beach Plat Book 4, Page 4, Lot 7, 8, 9 E 30 BLK 11; Deerfield Beach Plat Book 4, Lot 9 less E 30, 10 BLK 11; Deerfield Beach Plat Book 4, Page 4, Lot 11 BLK 11; Deerfield Beach Plat Book 4, Page 4, Lot 17, 18 BLK 11; Deerfield Beach Plat Book 4, Page 4, Lot 19, 20, 21 BLK 11;
 - (2) *Property where current fire station and parking area behind fire station*: Deerfield Beach Plat Book 4, Page 4, Lot 4 to 7 BLK 10; Deerfield Beach Plat Book 4, Page 4, Lot 8, 9, 10 less W 10 BLK 10; Deerfield Beach Plat Book 4, Page 4, Lot 19, 20 BLK 10.
 - (3) *NE First Street*: To extent that it is contiguous to city owned property.
 - (4) *"Conrad House property"*: Lots 19 and 20, Block 10, Deerfield Beach, according to the plat thereof, as recorded in Plat Book 4, Page 4 of the Public Records of Broward County, Florida.
 - (5) *Property deeded by South Florida Beach Properties, LLC*: Lot 11, Block 11, Deerfield Beach, according to the plat thereof, as recorded in Plat Book 4, Page 4 of the Public Records of Broward County, Florida.
- (Res. No. 2003/005, § 1, 11-5-02/1-7-03)

ARTICLE XII. EMINENT DOMAIN

The City may not exercise its power of eminent domain to take property where the purpose of the exercise of said power is to transfer the property or any portion of the property condemned to a non-governmental entity. No property or any portion of said property obtained

through the power of eminent domain by the City of Deerfield Beach shall be transferred or leased to a non-governmental entity for a period of ten (10) years after the date title was obtained by the City unless said transfer or lease has been approved by a vote of electors of the City of Deerfield Beach at a referendum election. The restrictions set forth herein shall not apply to leases or transfers for use in providing common-carrier services or systems, for use of a road or other right-of-way, or means that is open to the public for transportation, to a public utility for use in providing electricity services or systems, natural or manufactured gas services or systems, water or waste water services or systems, storm water or run-off services or systems, sewer services or systems, pipeline facilities, telephone services or systems, cable services or systems or other similar systems, for use in providing public infrastructure, or that occupies, pursuant to a lease, an incidental part of public property or public facility for the purpose of providing goods or services to the public.

(Ord. No. 2006/018, § 6, 6-20-06/11-7-06)

ARTICLE XIII. EXTRAORDINARY VOTE FOR CERTAIN LAND USE CHANGES

A vote of $\frac{4}{5}$ of the Commission shall be required to either transmit or adopt an amendment to the City of Deerfield Beach Land Use Plan where such amendment changes the land use designation of a parcel, or a portion thereof, from commercial recreation or recreation open space to any other category.

(Ord. No. 2006/018, § 7, 6-20-06/11-7-06)

