

ORDINANCE NO. 21-XXX

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **AMENDING CHAPTER 12, CREATING SEC. 12-7 ELECTION OF MAYOR AND CITY COMMISSION MEMBERS**, OF THE CODE OF ORDINANCES; PROVIDING FOR THE FILING OF AN AFFIDAVIT AND PROOF OF RESIDENCY FOR CANDIDATES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission adopted as a goal in 2021 within the Strategic Plan the desire to review several aspects of election reform including, but not limited to districts, compensation, candidate eligibility and residency; and

WHEREAS, during the 2020 election, a lawsuit was filed challenging the validity of the residency of a candidate; and

WHEREAS, the City Clerk is desirous of having additional information required as part of the qualification process in order to clearly validate residency in future elections.

NOW, THEREFORE, BE IT ORDAINED by City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 12, Section 12-7, of the Code of Ordinances, is hereby created as follows:

12-7. - Election of Mayor and City Commission Members.

- (a) Pursuant to Section 52 of the City Charter, the City of Fort Pierce has two (2) districts with two (2) members elected from each district and the mayor-commissioner elected at large.
- (b) Pursuant to Section 63 of the City Charter, any person seeking the office of mayor-commissioner or commissioner, must be a resident of the City of Fort Pierce and/or their respective district continuously for at least two (2) years prior to the date of the election for which the elector becomes a candidate.
- (c) At the time of qualifying, candidates shall be required to submit proof satisfactory to the City Clerk that they have met the requirements of this section. If satisfactory proof is not submitted prior to the end of the qualifying period, the City Clerk shall not qualify that person for the office sought and their name shall not appear on the ballot. Satisfactory proof of having met the residency requirements of this section shall include submission all of the following applicable items for the two-year period prior to qualifying: homestead exemption documentation, residential property lease, utility bills which reflect usage of utilities at a level indicating actual residence, and Florida driver's license or identification card. For purposes of meeting the residency requirements of this section sublease agreements are unacceptable. Candidates must also submit documentation that they have been a registered elector as required by this section for the two-year period prior to qualifying. As a condition of qualifying, all candidates must sign a release authorizing the City Clerk to verify the information that they have submitted.
- (d) Any aggrieved party may appeal the final decision of the City Clerk to the circuit court of St. Lucie County.

- (e) In addition to any other penalties which may be applicable, any person who knowingly misrepresents their legal residency and/or who knowingly makes a false statement in writing regarding their residency, shall be guilty of perjury, a second degree misdemeanor pursuant to Florida Statutes § 837.06, punishable as provided in Florida Statutes §§ 775.082 or 775.083.
- (f) As provided in Section 12-6, each candidate for city commission shall run in one (1) of the two (2) districts designated as districts 1 and 2. Pursuant to section 52 of the City Charter, the mayor shall be elected at-large.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4. This ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

Peter J. Sweeney
City Attorney

**STATE OF FLORIDA
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 21-0XX was duly advertised by title only in the St. Lucie News Tribune on **April 23, 2021**; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on **Monday, May 3, 2021**; and was duly introduced, read by title only, and passed on second and final reading on Monday, **May 17, 2021**, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox

CITY CLERK

(CITY SEAL)