

ORDINANCE NO. 21-028

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

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

WHEREAS, Article VI, Section 52 of the City Charter establishes two (2) districts with two (2) members elected from each district and requires the mayor-commissioner to be elected at large; and

WHEREAS, Article VI, Section 63 of the City Charter requires any qualified elector of the City seeking the office of commissioner to be a resident of the City of Fort Pierce and his or her respective district continuously for at least two (2) years prior to the date of the election for which the elector becomes a candidate; and

WHEREAS, Article VI, Section 63 of the City Charter requires any qualified elector of the City seeking the office of mayor-commissioner to be a resident of the City of Fort Pierce for at least two (2) years prior to the date of the election for which the elector becomes a candidate; and

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

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) Candidates seeking the office of commissioner shall meet the requirements set forth in this Chapter and in Article VI, Section 63 of the City Charter.
- (b) Candidates seeking the office of mayor-commissioner shall meet the requirements set forth in this Chapter and in Article VI, Section 63 of the City Charter.
- (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 the City Charter and this Chapter. 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.
- (d) Satisfactory proof of having met the residency requirements of the City Charter and this Chapter shall include submission of at least one of the following items, in the name of the candidate, for the two-year period prior to the date of the election for which the candidate is qualifying: homestead exemption documentation, a lease for residential property, a utility bill which reflects usage of utilities at a level indicating actual residence, a Florida driver's license, or a Florida identification

card. For purposes of meeting the residency requirements of this section sublease agreements are unacceptable. Candidates shall also submit documentation that they are a qualified elector.

(e) Any aggrieved party may appeal the final decision of the City Clerk to the circuit court of St. Lucie County.

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:

Tanya Earley
Interim 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. 21-028 was duly advertised by title only in the St. Lucie News Tribune on August 6, 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, August 16, 2021; and was duly introduced, read by title only, and passed on second and final reading on Tuesday, September 7, 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)