

**PROPOSED ORDINANCE 2024-23**

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

**AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE CHARTER OF THE CITY OF PEMBROKE PINES AT ARTICLE III, ENTITLED "LEGISLATURE," AND IN PARTICULAR AMENDING SECTION 3.11 "VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES;" PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF PEMBROKE PINES, IN A SPECIAL ELECTION TO BE CONDUCTED WITH THE MARCH 11, 2025 MUNICIPAL ELECTION AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Pembroke Pines, Florida; and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Commission of the City of Pembroke Pines, Florida, in an ordinance format; and

**WHEREAS**, the City Commission has held a public hearing in accordance with Florida law; and

**WHEREAS**, the City Commission deems the proposed amendments to the City Charter, as detailed herein, to be in the best interests of the citizens and residents of the City.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF  
THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** ARTICLE III, entitled "LEGISLATURE," shall be revised by amending Section 3.11 entitled "VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES" of the Charter of the City of Pembroke Pines, as follow:

**SECTION 3.11 VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.**

a. *Vacancies.* The office of a Commission member shall become vacant upon his-death, the effective date of a resignation, the date of removal from office in any manner authorized by law, or the effective date of a forfeiture of his-office, such forfeiture to be declared by the remaining members of the Commission.

b. *Forfeiture of office.* A Commissioner shall forfeit his office if said person, (a) lacks any qualifications for the office prescribed by this Charter or other applicable law including § 100.361, Florida Statutes, (1989) as may be amended from time to time; or (b) is convicted of a felony while in office, or (c) fails to attend four consecutive regular meetings of the Commission, unless such absences are each excused by motion setting forth the reason for the absence duly entered upon the minutes or (d) having been elected or appointed from an election district fails to reside within the election district from which he was elected or appointed for any reason other than redistricting.

c. *Forfeiture hearing.* 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.

d. *Filling of vacancies.* Unless otherwise provided by law, if a vacancy occurs on the City Commission, the remaining members of the City Commission shall ~~may~~, by majority vote, appoint a qualified individual to fill the vacancy on an interim basis as soon as practicable after the date of the vacancy. The City Commission shall adopt a resolution setting forth the process of appointing an interim member of the City Commission pursuant to this section.

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(1) Appointment. If there are less than one hundred eighty (180) days before the next municipal general election, then the interim Commission member appointed to fill the vacancy shall serve until the next municipal general election. If there are more than one hundred eighty ~~(180)~~ days before the next municipal general election, then the City Commission shall conduct a special election to fill the vacancy. The special election shall take place as soon as practicable as permitted by applicable general law and special acts, ~~but no more than one hundred eighty (180) days from the date that the vacancy occurred.~~ The qualifying period for any special election conducted pursuant to this section shall be scheduled to occur in a time frame before the election date comparable to the time frame provided for qualifying periods before municipal general elections under applicable special acts, and for the same number of days as qualifying periods for regular municipal general election under applicable special acts. The individual elected to fill the vacancy at either the next municipal general election or a special election called for that purpose shall only serve the unexpired term of the City Commission member whose position became vacant.

~~(3)~~ (2) In the event of a vacancy in the position of Mayor, the Vice Mayor shall forthwith commence to serve as acting Mayor until the Mayor's position is filled pursuant to this section. When the Vice Mayor becomes acting Mayor, the remaining members of the City Commission shall appoint a qualified individual from the Vice Mayor's district to serve as interim Commissioner as soon as practicable after the vacancy in the office of the Mayor. Once the vacancy in the position of Mayor is filled, the Vice Mayor shall return to his or her district position and the individual appointed to serve as interim Commissioner shall be removed from office. The Vice Mayor-designate shall serve as Vice Mayor when the Vice Mayor becomes acting Mayor.

~~(4)~~ (3) In the event of the death, resignation, or removal of the Vice Mayor, the Commission shall, by majority vote, elect one (1) of the Commissioners to serve as Vice Mayor.

e. *Extraordinary vacancies.* In the event that a majority of the members of the Council are removed by death, disability, law or forfeiture of office, the governor shall make interim Commission appointments and the Commission shall call a special election as provided in d. above ~~and such election shall be held in the same manner as the election held pursuant to the previous City Charter.~~

### **SECTION 3.** The Ballot Title shall be as follows:

VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES

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**SECTION 4.** At the Special Election to be conducted with the March 11, 2025, Municipal Election in Broward County, the following question shall be placed on the ballot for consideration by the qualified electors of the City of Pembroke Pines, Florida, and shall read as follows:

Shall the City Charter of Pembroke Pines be amended to clarify when a vacancy in office occurs, to require the appointment of an interim commission member in the event of a vacancy, and when a special election is required to fill a vacancy in office, the City Commission shall schedule such as soon as practicable as permitted by law, and provide a qualifying period consistent with qualifying periods for the City's municipal general election?

YES ☐ NO ☐

**SECTION 5. Advertisement.** The City Clerk of the City of Pembroke Pines is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of Pembroke Pines, Florida, as well as the State of Florida Election Code and to coordinate with the Broward County Supervisor of Elections office the submittal of this Ordinance to referendum to be voted on at the March 11, 2025 Special Election.

**SECTION 6. Codification.** It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention if the question set forth above in Section 4 is

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approved by the majority of votes cast by the electorate on the March 11, 2025 referendum election.

**SECTION 7. Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Ordinance.

**SECTION 8. Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 9. Effective Date.** This Ordinance shall take effect immediately upon adoption by the City Commission and signature by the Mayor and shall be submitted to referendum as set forth herein.

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BEEN INTENTIONALLY LEFT BLANK.**

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**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2024.**

**PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE  
PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2024.**

CITY OF PEMBROKE PINES, FLORIDA

ATTEST: By: \_\_\_\_\_  
MAYOR ANGELO CASTILLO

\_\_\_\_\_  
DEBRA ROGERS, CITY CLERK CASTILLO \_\_\_\_\_

GOOD \_\_\_\_\_

APPROVED AS TO FORM: HERNANDEZ \_\_\_\_\_

RODRIGUEZ \_\_\_\_\_

\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY SCHWARTZ \_\_\_\_\_