

**Town of Lauderdale-By-The-Sea**  
**Charter Review Board Meeting**

**Agenda**

Tuesday, July 1, 2025

6:00 PM



Jarvis Hall 4505 N. Ocean Drive  
[www.Lauderdalebythesea-fl.gov](http://www.Lauderdalebythesea-fl.gov)

**LAUDERDALE-BY-THE-SEA TOWN COMMISSION**

# Charter Review Board Meeting

Tuesday, July 1, 2025, 6:00 PM  
Jarvis Hall 4505 N. Ocean Drive, 33308

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1. **CALL TO ORDER**
  2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
  3. **APPROVAL OF MINUTES**
    - 3.a. Approval of Minutes for 6-3-25.
  4. **PUBLIC COMMENTS**
  5. **NEW BUSINESS**
    - 5.a. Discussion Of Electoral District Boundaries
    - 5.b. Discussion of Filing Procedures Timeline - Section 4.4 of the Town Charter
  6. **OLD BUSINESS**
    - 6.a. Review of Board Recommendations
  7. **UPDATES/BOARD MEMBER COMMENTS**
  8. **ADJOURNMENT**
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THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

#### **PROCEDURES FOR PUBLIC COMMENTS:**

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

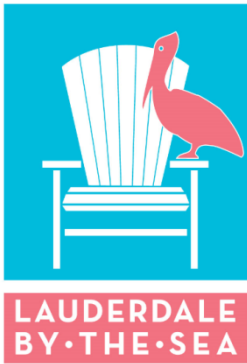
These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

#### **INVOCATION:**

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual

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needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



**DRAFT**  
**TOWN OF LAUDERDALE-BY-THE-SEA**  
**CHARTER REVIEW BOARD MEETING**  
Jarvis Hall  
4505 N. Ocean Drive  
Tuesday, June 3, 2025  
6:00 PM

**1. CALL TO ORDER**

The Charter Review Board for the Town of Lauderdale-By-The-Sea was called to order at 6:00 p.m. Board members present were Chair Chris Vincent, Vice Chair Brian Kuszmar, Jacquelyn Bonanni-Rubino, Robert Fleishman, Lori Lenoble, Kym Miranda, and Patrick Ucci. Also present were Town Attorney Susan L. Trevarthen and Board Clerk Megan Small.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. APPROVAL OF MINUTES**

**a. Approval of Minutes for May 6, 2025.**

**A motion was made, seconded by Vice Chair Kuszmar, to approve. [The motion was approved by consent.]**

**4. PUBLIC COMMENTS**

At this time Chair Vincent opened public comment, which he closed upon receiving no input.

**5. NEW BUSINESS**

**a. Discussion of Article 7**

Judelande Jeune, associate of the Town Attorney, explained that this final Article in the Charter addresses planning and zoning. Many municipalities do not have this type of Article in their Charter; when they are included, they typically provide a framework and authority for land use and regulation. Provisions found in a planning and zoning Article are intended to ensure that growth and development occur in an orderly, lawful, and community-guided manner.

Article 7 of Lauderdale-By-The-Sea's Charter was first approved by voters in its current form in 2006. Section 7.1 modifies maximum building heights for residential districts. This Section was originally created by voters in 1973 and modified extensively during the 1990s. It requires voter approval for any height increases.

Section 7.2 restricts the vacation, abandonment, lease, sale, and transfer of the El Prado property, which is comprised of a parking lot and oceanfront park directly east of Town Hall. Section 7.3 provides for Town Commission appointment of residents to the Town's advisory boards.

Attorney Jeune recalled that due to the complexity and length of Section 7.1, the previous Charter Review Board (CRB) requested a "plain English" version of that Section be prepared in 2013; however, the Town Commission did not approve that request. It is provided to the Board members for their review.

As the Board evaluates Section 7.1, it must take into account the potential impact of Senate Bill (SB) 180, which recently passed both houses of the Florida Legislature. If that bill becomes law, it would retroactively invalidate all local government initiative Ordinances that impose restrictive or burdensome Comprehensive Plan amendments, land development regulations, or procedures concerning review, approval, or issuance of Site Plans.

Staff originally recommended that the Town Commission accept a proposal from the CRB to again consider a plain language version of Section 7.1. Should this be considered, however, there may be potential impacts from SB 180 which could affect the Town's ability to move forward with that proposal.

With respect to Sections 7.2 and 7.3, Staff has no recommended changes at this time, although the Board may propose and discuss potential changes.

Chair Vincent asked if there is any action the Town may take to preempt new legislation such as SB 180. Town Attorney Susan Trevarthen advised that as of today, SB 180 has not yet been transmitted to the Governor's Office. A number of organizations and individuals are communicating with the Florida Legislature, which remains in extended session, as well as the Governor's Office to express their concerns with the bill.

Town Attorney Trevarthen explained that while SB 180 includes useful emergency management planning components, it also includes the provision described earlier, which would strip local land use powers from every local government in the state of Florida for

three years. No reason has been provided for this provision. Should SB 180 take effect, it would void any action the Town may take which can be considered more restrictive on or burdensome to development.

Chair Vincent requested additional information on the bill's three-year time frame. Town Attorney Trevarthen explained that in recent years, three named storms had a major and devastating impact on Florida's Gulf Coast. Following those storms, SB 250 was passed to enact a Statute preventing local governments from creating a moratorium on repairing storm-damaged properties.

Another provision of SB 250 was that local governments lost the right to enact more restrictive or burdensome regulation of land use or zoning generally through October 1, 2024. That provision applied only to communities that had been directly in the paths or within 100 miles of the paths of those storms. The western edge of Broward County, which includes a portion of the Everglades, fell within this area.

After SB 250 expired, a paragraph including the preemption provision was added to SB 180, tying into the same disaster declarations from the years of those previous storms; however, SB 180's provision does not include the restriction to 100 miles from the paths of the storms, instead applying to the entire state of Florida. The legislation would be retroactive to any action taken from August 1, 2024 through October 1, 2027.

Chair Vincent also addressed Section 7.2, asking if there are any other Town properties or buildings which are restricted to civic use only. Town Attorney Trevarthen clarified that the Charter makes no reference to any other specific properties. The Town has a plat dating back to the 1920s which establishes certain areas as public or civic. The Charter reference is limited to El Prado.

Chair Vincent briefly reviewed the Town's history prior to 2006, recalling that after annexation of property at the Town's north end, there was a civic campaign by residents who were concerned that the south end of Town could permit construction of very tall buildings such as those that were part of the north end annexation. A referendum was held on this issue and rejected this possibility, maintaining the Town's height limits. The referendum also applied the height limits included in the Charter to the entirety of the Town, including the newly annexed area.

Town Attorney Trevarthen concluded that Section 7.1 regulates building heights in the Town. If buildings are greater than three stories in height, there are limitations on the uses

that can be permitted on their first floors, ensuring that those uses are non-habitable. The reason for these first floor use limitations lies with floodplain regulations.

Town Attorney Trevarthen noted that there is also a provision in Section 7.1 addressing nonconforming structures. This applied to previous developments such as the site now occupied by the Plunge Hotel, which retained its five-story height through the nonconforming rights included in the Charter. The Charter is restrictive regarding the application of nonconforming rights, including the applicable time frame.

Additional provisions of the Charter address issues such as the rezoning of residential properties for other uses, as well as provisions which constrain the Town Commission from taking specific actions without voter approval. There is also a constraint which requires any changes to Sections 7.1 or 7.2 to be voted upon during a general election rather than special elections.

Town Attorney Trevarthen continued that the existing language of Section 7.1 has been difficult for Town Staff over time, which led to the proposal for a legal translation of the language. The plain English version brought forward at that time, and presented in the CRB's backup materials, is the result of the Town Attorneys' interpretation of Section 7.1, which is unique to the Town.

Town Attorney Trevarthen concluded that the 2013 CRB had felt the plain language version was a worthwhile item to bring before the voters. While the Commission at that time understood the value of that version, there was a perception that the voters did not want further argument about Section 7.1, as it could open potential dialogue about height limits. The Commission ultimately declined to include the plain language item on the 2014 ballot.

Vice Chair Kuszmar addressed SB 180, requesting clarification of the intent behind this legislation, including why it was not restricted to the Gulf Coast. Town Attorney Trevarthen replied that this provision was not widely known before it was attached to the bill. The provision was added on the final day of the regular legislative session. She noted that all legislators may not have been aware of its addition. There has also been no explanation for removal of the 100-mile restriction which originally appeared in SB 250 before its expiration.

Vice Chair Kuszmar asked if the state of Florida is typically more or less restrictive than local municipalities with regard to land use. Town Attorney Trevarthen replied that the

state does not regulate land use, which has been a long-standing home rule power due to the wide variety of Florida communities.

Vice Chair Kuszmar also requested clarification of the Town's height restrictions, including whether the Town may legally address different areas of the Town differently through referendum. Town Attorney Trevarthen explained that local governments in Florida have set local development standards for many years; this right has been consistently upheld by the courts.

Vice Chair Kuszmar asked if these standards are determined according to use. Town Attorney Trevarthen replied that they are set according to zoning districts rather than on a use-by-use basis. The Town's zoning map establishes logical relationships between zoning districts.

Vice Chair Kuszmar requested additional clarification of the logic behind these determinations, including how they are made and how height restrictions are determined in particular areas. Town Attorney Trevarthen stated that with the introduction of zoning in the 1970s/1980s, the Town Commission adopted the initial zoning map for the Town, which has undergone few changes over time.

Vice Chair Kuszmar advised that this was an important topic for the Town, pointing out that there are a number of undeveloped properties. He suggested that property owners should be able to use their own properties according to their wishes as long as this does not affect others' rights. He recommended that the Committee propose that the Town Commission consider bringing height restrictions forward for referendum, or undertaking studies that review the balance between aesthetics and economic viability.

Vice Chair Kuszmar continued that many of the Town's property owners are also voters whose ability to build on their parcels is restricted due to height limitations. He felt it would be appropriate to ask the Town Commission, and by extension the Town, to reconsider these restrictions. He also noted that demographic changes may affect residents' resistance to or acceptance of larger buildings.

Vice Chair Kuszmar concluded that while he was not advocating for high-rise structures, there may be a place for consideration of raising the Town's height limit by an additional story in some zoning districts.

Chair Vincent observed that individuals who purchase properties in Lauderdale-By-The-Sea typically perform due diligence and understand the Town's regulations before making

these purchases. He advised that the Town currently continues to thrive without any necessity of adjusting its policies regarding development.

Chair Vincent also pointed out that there would need to be consideration of which zoning districts would allow greater height, which would ultimately affect the degree to which a property owner would or would not benefit from the proposed changes. He emphasized the need to ensure any changes would be equitable, and concluded that he felt the market would ultimately drive itself.

Vice Chair Kuszmar reiterated that the intent of his suggestion was to create more wealth, and that decisions on the districts where this could occur would fall outside the Board's discretion.

A question was asked regarding the areas in which the Vice Chair felt properties might be allowed to increase height. Vice Chair Kuszmar replied that he was referring to properties "across the Town," including the beach area. He stated that the original referendum regarding height was brought forward with no scientific or economic analysis.

Ms. Miranda noted that some owners consider purchasing properties in the Town due to its height restrictions; in addition, increasing height limitations to raise property values could result in higher taxes across the board. She concluded that if an owner wants to invest in an area where they can increase property values or building heights, Lauderdale-By-The-Sea is not likely to be the best choice for them.

Ms. Lenoble agreed, stating that she feared what could happen to the Town if it chose to make any changes, as developers may be able to take advantage of those changes in an unintended manner. She expressed concern with the potential impact of greater height and size on traffic on the community, pointing out that existing infrastructure, including drainage, may not be sufficient to support it.

Vice Chair Kuszmar noted that any recommendation of changes would ultimately be subject to a voter referendum rather than a decision by the Town Commission. He suggested proposing an economically viable program which has not been brought forward before.

Ms. Lenoble advised that many, if not most, of the Town's residents are likely to be in favor of leaving the Town's current zoning restrictions in place.

**Ms. Miranda made a motion, duly seconded, to retain the existing language of Section 7.1 and not adopt the plain language. Motion carried 7-0.**

Vice Chair Kuszmar asked if he could request a Board vote on his proposal to present potential zoning alternatives to the Town Commission. Town Attorney Trevarthen noted that this is beyond the scope of the CRB, although the Vice Chair, and other members of the Board, may communicate that idea to the Commission. She pointed out that the vote just taken on Section 7.1 was unanimously in favor of making no changes to that Section.

There was consensus from the Board to propose no changes to Sections 7.2 or 7.3.

## **6. OLD BUSINESS**

### **a. Review of Charter Review Board Recommendations**

Attorney Jeune noted that the CRB has made six recommendations thus far. The July 2025 meeting will allow them the opportunity to finalize these recommendations, as well as to bring back and discuss any relevant research previously mentioned by the Board members. She noted that efforts to secure data from the Broward County Supervisor of Elections' Office are ongoing.

The July meeting is currently scheduled for Tuesday, July 1, 2025. Attorney Jeune asked if the Board members wished to reconsider this date due to its proximity to the July 4 holiday. There was consensus from the Board members to keep this date.

Town Attorney Trevarthen added that Staff also hoped to further clarify the Board's wishes regarding the Town's district boundaries. Aside from this, there is little other pending work for the Board, which could mean July 1 could be its final meeting.

## **7. UPDATES / BOARD MEMBER COMMENTS**

None.

## **8. ADJOURNMENT**

The meeting was adjourned at 7:02 p.m.



## Agenda Item Report

**Meeting Date:** July 1, 2025

**Submitted By:** Susan Trevarthen, Town Attorney

**Submitting Department:** Legal

**Item Type:** Action Item

**Agenda Section:** NEW BUSINESS

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**Subject Title:** Discussion Of Electoral District Boundaries

### Explanation:

- Introduction:
  - This memorandum provides an overview of the electoral districts within the Town of Lauderdale-By-The-Sea, in response to the Charter Review Board's prior inquiries. As a reminder, at its May meeting, the Board decided not to get rid of the electoral districts. The Board learned that Section 6.1 established a process for the creation of the northern (District 1) and southern (District 2) districts and imposed specific standards, including equal population, compactness, proportionality, logical alignment with neighborhood boundaries, and adherence to the principle of "one person, one vote." The Board also heard how the Town ultimately decided not to complete another study of the district boundaries in 2012, because the Charter's standards are only legally required for single member districts, and because of the practical difficulties of honoring the principles of not dividing communities of interest and following logical boundaries if the districts were drawn based on equal population.
  - In May, the Board discussed whether the current Commission district boundaries remain appropriate and whether the Section 6.1(5) requirement for a redistricting study—previously conducted by FAU to establish the districts in 2004—continues to be appropriate or necessary. The Board indicated its support for the concept of enshrining the current district boundaries in the Charter and removing the requirement for a study and related standards, but wanted to see additional information on the current boundaries before definitely deciding whether to proceed.
  - Additionally, this memorandum offers a snapshot of the Town's registered voters and the distribution of voter participation across voting precincts in response to the Board's inquiries.

- **Assessment:**

- Lauderdale-By-The-Sea is currently divided into two electoral districts, the same ones established by the FAU study post annexation in 2004. All voters are represented by the entire Commission and Mayor, but two of the Commissioners are required to reside in each of the two districts.
- The attached 2004 map depicts the districts as follows:
  - District 1 (Seats 1 and 3): At the time it was established, this northern district contained approximately 3,276 residents
  - District 2 (Seats 2 and 4): At the time it was established, this southern district contained approximately 3,350 residents
- As of June 13, 2025, data from the Broward County Supervisor of Elections (SOE) indicates that the Town currently has a total of 5,092 registered voters spread across four voting precincts. A SOE precinct map is also attached for reference. These voters include a diverse mix of party-affiliated individuals, non-affiliated voters, and an estimated 577 registered voters currently classified as inactive.
  - Precincts Q030 and Q032 comprise District 2, which contains 2,600 registered voters and 321 inactive voters.
  - Precinct Q031 is District 1, which contains 2,492 registered voters and 256 inactive voters.
- We were also asked to provide more information about current commission District boundaries. The geographic separation of the Town's northern and southern districts aligns with the Town's jurisdictional boundaries. The Sea Ranch Lakes community, situated between the two ends of the Town along the Atlantic Ocean, continues to serve as a natural geographic divider. In practice, the district boundaries have remained stable since their original designation, and no further studies have been conducted since 2004. As such, it would be more appropriate to memorialize the existing district alignment in clear language within the Charter. This approach would reflect the Town's current structure and practice while eliminating reliance on a process that was deemed no longer appropriate by the 2012 Town Commission.

## Recommendation:

- We recommend that the Charter Review Committee amend Section 6.1(5) of the Town Charter to eliminate references to the initial designation and implementation of district boundaries.
- We also recommend clarifying that the boundaries of the northern and southern districts as established in 2004 remain in effect and are aligned with the Town's jurisdictional boundaries. The revised language should clearly state that the northern district is separated from the southern district by the portion of the Village of Sea Ranch Lakes that borders the Atlantic Ocean. These revisions will enhance the clarity of the Charter while maintaining its original purpose and structure. An example of how these changes might be accomplished follows:

**Section 6.1 - Mayor-Commissioner and Commissioners; term of office; election; transition.**

(5) The geographic boundary for the northern and southern districts shall be designated, prepared and identified no later than the first of September, 2004, and again in 2012 through a contract entered into by the Town with an accredited four (4) year college or university located within the state of Florida for the purpose of identifying and designating the northern and southern election districts within the Town. The Town Commission district boundaries shall be of equal population, compact, proportional, and logically related to the natural internal boundaries of the neighborhoods within the Town. The principal of nondiscrimination and one person/one vote shall be adhered to strictly.

(65) In the event no candidate qualifies for election for any designated Town Commission seat within the first ten (10) calendar days of the qualifying period, then any qualified person who resides anywhere in the Town may qualify for such seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared and filled in accordance with this Charter.

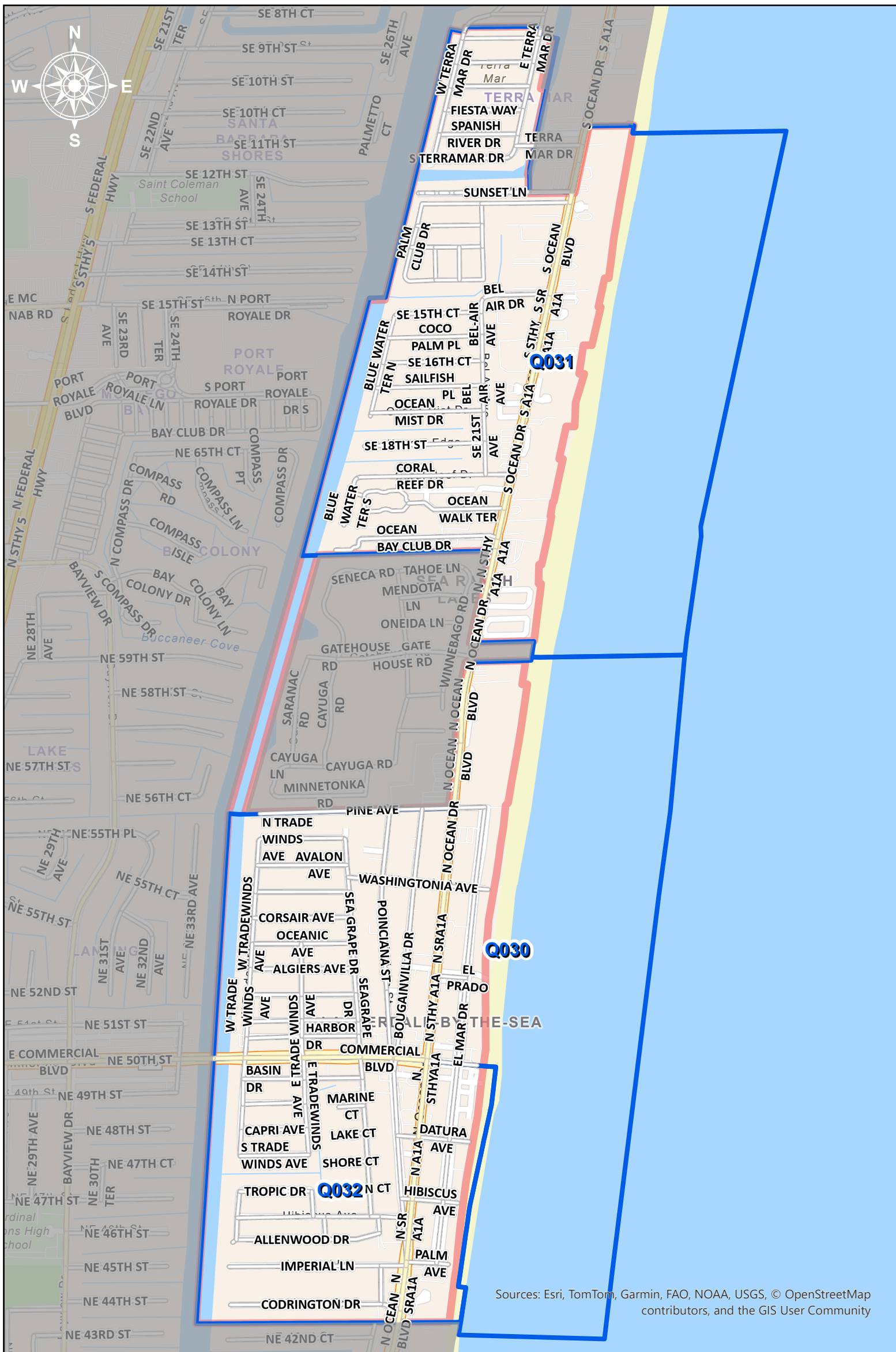
(76) The Town Commission shall adopted by Ordinance the creation and establishment of the boundaries of the initial northern and southern Town Commission seat districts, no later than January 1, 2005. The Ordinance shall provide for the implementation of said election districts to be effective for the elections to be held in the Town commencing in March, 2006. The boundaries of these districts remain unchanged, and follow the jurisdictional boundaries of the Town. The northern district is separated from the southern district by the portion of the Village of Sea Ranch Lakes that borders on the Atlantic Ocean.

- The Board should determine whether to recommend that Section 6.1 be revised to remove the requirement for a study that follows listed standards, and instead specify the existing boundaries for the electoral districts.

#### Exhibits:

1. LBTS - Precinct Map
2. LBTS - District Map
3. LBTS Charter - Section 6.1

# Lauderdale by the Sea Precinct Map



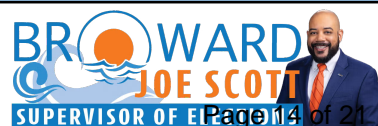
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Supervisor of Elections Headquarters  
4650 NW 21st Avenue  
Fort Lauderdale, FL 33309  
<https://browardvotes.gov/>

Hours of Operation  
Monday - Friday  
9:00 a.m. - 5:00 p.m.  
(Excluding Holidays)

General Contact Information  
Phone: 954-357-VOTE (8683)  
Fax: 954-357-7070  
elections@browardvotes.gov

Voter Registration Information  
Phone: 954-357-VOTE (8683)  
registration@browardvotes.gov



# Lauderdale-By-The-Sea



District 1  
Population: 3,276  
**Seats 1 & 3**

District 2  
Population: 3,350  
**Seats 2 & 4**

**Legend**

	District 1
	District 2



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**Sec. 6.1. Mayor-Commissioner and Commissioners; term of office; election; transition.**

- (1) Beginning with the regular election to be held on the second Tuesday in the month of March, 2008, and every two (2) years thereafter, a Mayor-Commissioner shall be elected for a term of two (2) years until his successor is elected and qualifies.
- (2) Commencing with the regular election of the Town held in March, 2006, and continuing with successive elections at intervals of four years, candidates may qualify for the offices of Town Commissioner Seat 1 and Town Commissioner Seat 2, each elected at large. Town Commission Seat 1 and Town Commission Seat 2 shall replace the two Commission seats vacated by the expiration of the term of the two Commissioners in March, 2006. The candidate for Seat 1 shall reside in the north district of the Town. The candidate for Seat 2 shall reside in the south district of the Town. The candidates receiving the most votes for each seat shall be elected, and shall serve a term of four (4) years.
- (3) Commencing with the regular election of the Town held in March, 2008, and continuing with successive elections at intervals of four years, candidates may qualify for the offices of Town Commission Seat 3 and Town Commissioner Seat 4. Town Commission Seat 3 and Town Commission Seat 4 shall replace the two Commission seats vacated by the expiration of the term of two Commissioners in March of 2008. The candidate for Seat 3 shall reside in the north district of the Town. The candidate for Seat 4 shall reside in the south district of the Town. The candidates receiving the most votes for each seat shall be elected, and shall serve a term of four years.
- (4) All elections for the position of Town Commissioner or Mayor-Commissioner shall be held on the same date as the November election date of each even-numbered year, or as provided for by law. The terms of office of the Mayor who was elected in 2024 and of the Seat 1 and Seat 2 Town Commissioners who were elected in the municipal general election of March 2022 shall expire when their successors are sworn in after the general election in November of 2026. The terms of office of the Seat 3 and Seat 4 Town Commissioners who were elected in the municipal general election of March 2024 shall expire when their successors are sworn in after the general election in November of 2028.
- (5) The geographic boundary for the northern and southern districts shall be designated, prepared and identified no later than the first of September, 2004, and again in 2012 through a contract entered into by the Town with an accredited four (4) year college or university located within the state of Florida for the purpose of identifying and designating the northern and southern election districts within the Town. The Town Commission district boundaries shall be of equal population, compact, proportional, and logically related to the natural internal boundaries of the neighborhoods within the Town. The principal of nondiscrimination and one person/one vote shall be adhered to strictly.
- (6) In the event no candidate qualifies for election for any designated Town Commission seat within the first ten (10) calendar days of the qualifying period, then any qualified person who resides anywhere in the Town may qualify for such seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared and filled in accordance with this Charter.
- (7) The Town Commission shall adopt by Ordinance the creation and establishment of the boundaries of the initial northern and southern Town Commission seat districts no later than January 1, 2005. The Ordinance shall provide for the implementation of said election districts to be effective for the elections to be held in the Town commencing in March, 2006.

(Ord. No. 2024-05, § 2, 6-6-2024)



## Agenda Item Report

**Meeting Date:** July 1, 2025

**Submitted By:** Judelande Jeune, Town Attorney

**Submitting Department:** Legal

**Item Type:** Action Item

**Agenda Section:** NEW BUSINESS

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### Subject Title:

Discussion of Filing Procedures Timeline - Section 4.4 of the Town Charter

### Explanation:

- **Introduction:** The purpose of this memorandum is to provide the Charter Review Board with an assessment regarding the compatibility of the Town Charter's Section 4.4 — Filing Procedure — with the deadline established by the Supervisor of Elections for submission of ballot questions. As an example, the County requires that all ballot questions for the November 2026 election be submitted by 5:00 PM on June 8, 2026; for a Town special election, the Town would work with the Supervisor's office to establish the relevant timeframes. The submission must include a certified copy of the ordinance containing the ballot question, as well as a Word document with the question formatted and translated into English, Spanish, and Haitian Creole.
- **Assessment:**
  - Section 4.4 of the Charter details the procedural timeline for filing and certifying initiative petitions and petitions for repeal or amendment of an ordinance. Under this provision, the Clerk has twenty (20) days from filing of an initiative petition to issue a certificate of sufficiency, and five (5) days from filing of a petition for repeal or amendment of an ordinance. In order to do this, the Town Clerk must request the Supervisor of Elections to validate the petition signatures. If a petition is found insufficient for lack of valid signatures, petitioners may amend the petition by filing a notice of intent within two (2) business days and submitting a supplementary petition within fourteen (14) calendar days thereafter. The Clerk then has five (5) business days to re-certify the amended petition, based on the Supervisor's review of the additional signatures. Upon certification of sufficiency, the Clerk must promptly present the certificate to the Commission, which then considers adoption of an ordinance to place the question on the ballot.
  - The Charter's timeline is designed to ensure proper and timely review and provide petitioners with the opportunity for amendment. These steps must all be completed before June 8, if the petition is seeking to be placed on the November 2026 ballot; future general elections may have different deadlines, and special elections will have unique deadlines. Given the cumulative time involved in petition review, certification, possible amendments, and Commission action (including ordinance adoption and necessary translations), it is imperative that the petitioners begin the process sufficiently early. Failure to initiate the petition process with adequate lead time could result in missing a

- deadline for submitting finalized ballot questions to the Supervisor of Elections.
- The existing deadlines for Clerk review, petition amendment, and certification provide clarity, predictability, and procedural safeguards for both the petitioners and the Town. These timelines ensure that the initiative process is not subject to arbitrary delays and that all parties understand the steps and deadlines involved. Importantly, there is no direct legal conflict between the procedural timeframes in Section 4.4 and the County process. However, they are binding on the Town, and the Town can be challenged for failure to meet them.

### **Recommendation:**

- After review, it is recommended that the Charter Review Board consider adjusting the timeframes in Section 4.4 of the Charter related to signature verification, because the Town is not in control of when the Supervisor will be providing that information. While the Supervisor's staff assures us that they will process requests promptly, their responsiveness depends on their overall workload at the time. Therefore, extending the timeframes for the initial certification of the petition from 20 (or 5) days to 30 (or 10) days, and extending the timeframe for recertification from 5 days to 10 days will provide a greater margin for unanticipated delays in the Supervisor's signature verification process.
- Due to the lack of consistency in how the current timeframes are defined in Article IV, we also recommend adding the following sentence to the Article: "Where not otherwise specified in this Article, timeframes of 14 days or longer are measured in calendar days; timeframes of 13 or fewer days are measured in business days." For shorter timeframes, the use of business days can be critical if the period includes a holiday or long weekend.

### **Exhibits:**

1. Sec. 4.4. Filing procedure.

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#### **Sec. 4.4. Filing procedure.**

- (1) *Certificate of Clerk; amendment.* Within 20 days after an initiative petition is filed or within five days after a petition for repeal or amendment of an ordinance is filed, the Clerk shall complete a certificate as to its sufficiency (the "Certificate"). Grounds for insufficiency are only those specified in Sec. 4.3 of this Article. If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the petitioners' committee by hand delivery or registered mail. 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 within two business days after receiving the copy of the Certificate and files a supplementary petition upon additional papers within fourteen (14) calendar days after receiving the copy of the Certificate. Such supplementary petition shall comply with the requirements of Sec. 4.3 of this Article. Within five business days after a supplementary petition is filed, the Clerk shall complete a Certificate as to the sufficiency of the petition, as amended, and shall promptly send a copy of such Certificate to the petitioners' committee by registered mail or hand delivery 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 4.4 within the time required, the Clerk shall promptly present the Certificate to the Commission and such Certificate shall then be a final determination as to the sufficiency of the petition.
- (2) *Commission review as to sufficiency.* 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 two business days after receiving the copy of such Certificate, file a request that it be reviewed by the Commission. The Commission shall then 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.



## Agenda Item No: 6.a.

### Agenda Item Report

**Meeting Date:** July 1, 2025

**Submitted By:** Susan Trevarthen, Town Attorney

**Submitting Department:** Legal

**Item Type:** Presentation

**Agenda Section:** OLD BUSINESS

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**Subject Title:** Review of Board Recommendations

#### **Explanation:**

Thus far, the Charter Review Board has considered and put forward the following recommendations for the Town Commission's review and consideration.

#### **Recommendation 1:**

- Amend Section 3.3 of the Town Charter to extend the residency requirement for candidates seeking the office of Mayor-Commissioner or Commissioner from six months to twelve months prior to the election date.
- This change will be reflected throughout the entire Charter, including Article 6.

#### **Recommendation 2:**

- Amend Section 5.5(10) of the Town Charter to extend the audit completion deadline from six (6) months to nine (9) months after the end of the fiscal year, to align with the timeline established in Section 218.32(d), Florida Statutes.

#### **Recommendation 3:**

- Amend the Town Charter in its entirety to correct scrivener's errors, address any need to adjust timelines related to referenda/initiative or other election-related procedures, and update any references to state statutes that are outdated or no longer applicable due to legislative changes.

#### **Recommendation 4:**

- Amend the Town Charter to provide for two four-year terms for the Mayor.

#### **Recommendation 5:**

- Amend the Town Charter to remove all references requiring publication in a newspaper of general circulation. This revision reflects recent amendments to Chapter 50, Florida Statutes, which now permit legal advertisements and public notices to be published on publicly accessible websites

under certain conditions. The change will ensure consistency throughout the Charter and provide greater flexibility in meeting notice requirements.

**Recommendation 6:**

- Amend the Town Charter to explicitly incorporate applicable state law governing municipal elections. This change clarifies that municipal elections will be conducted in accordance with the general election laws of the State of Florida, including the candidate qualifying process.

**Recommendation:**

**Exhibits:** None