

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 04-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY CHARTER, PERTAINING TO CAMPAIGN FINANCE REGULATION; PROVIDING FOR LIMITATIONS ON CAMPAIGN FINANCE CONTRIBUTIONS MADE TO CANDIDATES FOR COUNTY COMMISSIONER, CLERK OF COURT, PROPERTY APPRAISER, SHERIFF, SUPERVISOR OF ELECTIONS, AND TAX COLLECTOR; PROVIDING FOR FILING FINANCIAL REPORTS BY CANDIDATES FOR COUNTY COMMISSIONER, CLERK OF COURT, PROPERTY APPRAISER, SHERIFF, SUPERVISOR OF ELECTIONS, AND TAX COLLECTOR; PROVIDING FOR A REFERENDUM ON THE QUESTIONS OF ADOPTION OF THE AMENDMENTS TO THE COUNTY CHARTER; PROVIDING EFFECTIVE DATES OF CHARTER AMENDMENTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alachua County established a charter form of government pursuant to the provisions of Chapter 125, Part IV, Florida Statutes, effective January 1, 1987; and

WHEREAS, the Board of County Commissioners adopted an ordinance to approve the Charter on September 9, 1986 and the Charter was approved by a majority of all voters voting in the special election held as part of the general election on November 4, 1986; and

WHEREAS, the Charter provides that the amendments to the Charter may be proposed by an ordinance adopted by the Board of County Commissioners by an affirmative vote of a majority plus one of the membership of the Board of County Commissioners; and

WHEREAS, over sixty-eight percent (68%) of the electors voting on a non-binding ballot question during the November 2000 general election voted to support campaign finance regulations for the Alachua County charter officers; and

WHEREAS, the Alachua County Legislative Delegation in 2002 enacted HB 1073, a special law amending the Alachua County Charter to authorize the County to adopt by Charter amendment

restrictions more stringent than those imposed by general law upon the financing of campaigns conducted by candidates for elective county offices; and

WHEREAS, over fifty-five percent (55%) of the electors voting on the campaign finance regulation charter amendment approved the amendment to the Alachua County Charter at the general election in November 2002; and

WHEREAS, the special law amending the charter pertaining to campaign finance regulation authorizes the County to amend its home rule charter at either the 2004 or 2006 general elections to impose additional restrictions on campaign financing for Alachua County charter officers; and

WHEREAS, the Board of County Commissioners desires to propose for adoption an ordinance to amend the Alachua County Charter to provide additional restrictions on campaign finance contributions to and campaign finance reports filed by candidates for elective county offices.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF ALACHUA COUNTY,  
FLORIDA:

**SECTION 1. Authorization and Legislative Findings.** This Ordinance is authorized by Chapter 125, Part IV, Florida Statutes, and Article IV, Section 4.2(C), Alachua County Charter, and other applicable law. The Board of County Commissioners finds and declares that all the statements set forth in the preamble of this ordinance are true and correct.

**SECTION 2. Amendments to the Alachua County Home Rule Charter.** The amendments to the Alachua County Charter pertaining to Campaign Finance Regulation set forth in Exhibit A, attached hereto and incorporated herein, are proposed for adoption in accordance with Subsection 4.2(C)(1), Alachua County Charter.

**SECTION 3. Referendum.**

a. The proposed amendments to the Alachua County Charter in Section 2 of this ordinance shall be presented to the County electorate by placing the following questions on the ballot at the general election to be held on November 2, 2004.

b. The Supervisor of Elections of Alachua County shall cause the following questions to be placed on the ballot on November 2, 2004:

**CAMPAIGN FINANCE REPORTING REQUIREMENTS AND  
TIME FOR ACCEPTING CONTRIBUTIONS**

SHALL THE ALACHUA COUNTY CHARTER BE AMENDED TO REQUIRE CANDIDATES FOR COUNTY COMMISSIONER, CLERK OF COURT, PROPERTY APPRAISER, SHERIFF, SUPERVISOR OF ELECTIONS, AND TAX COLLECTOR TO FILE LAST PERIOD FINANCIAL REPORTS ON THE SIXTH DAY PRIOR TO THE ELECTION; TO ACCEPT ONLY CONTRIBUTIONS RECEIVED ON OR BEFORE MIDNIGHT OF THE SEVENTH DAY PRIOR TO THE ELECTION; TO FILE ELECTRONIC REPORTS TOGETHER WITH SIGNED PAPER REPORTS AND TO REPORT CUMULATIVE AMOUNTS RECEIVED FROM EACH CONTRIBUTOR.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**CAMPAIGN CONTRIBUTION LIMITATIONS**

SHALL THE ALACHUA COUNTY CHARTER BE AMENDED TO PROHIBIT CANDIDATES FOR COUNTY COMMISSIONER, CLERK OF COURT, PROPERTY APPRAISER, SHERIFF, SUPERVISOR OF ELECTIONS, AND TAX COLLECTOR FROM ACCEPTING CONTRIBUTIONS IN EXCESS OF \$250.00 FROM INDIVIDUALS, CORPORATIONS AND SIMILAR ORGANIZATIONS, POLITICAL COMMITTEES, AND COMMITTEES OF CONTINUOUS EXISTENCE IN EACH ELECTION.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**SECTION 4. Effective Date of Charter Amendments.**

a. The amendments to the Alachua County Charter adopted as set forth in Exhibit "A" shall be effective on January 1, 2005, only if approved by a majority of the electors voting for each amendment in the general election to be held on November 2, 2004.

b. If a majority of the electors vote yes to approve the ballot question titled "Campaign Finance Reporting Requirements/Time for Accepting Contributions," Subsections 1.6.(A), (B), (D), and (E) of the amendment set forth in Exhibit "A" shall be effective on January 1, 2005.

c. If a majority of the electors vote yes on the ballot question titled "Campaign Contribution Limitations," Subsections 1.6 (A), (B), (C), and (E) shall be effective on January 1, 2005.

**SECTION 5. Inclusion in the Code, Scrivener's Error.** It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the County Manager or designee without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.

**SECTION 6. Severability.** It is the declared intent of the Board of County Commissioners that, if any section, sentence, clause, phrase or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions

of this ordinance, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

**SECTION 7. Liberal Construction and Interpretation.** This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of Alachua County, Florida.

**SECTION 8. Enforcement and Penalties.** Violations of this ordinance may be enforced pursuant to Section 125.69, Florida Statutes, Section 10.8, Alachua County Code of Ordinances, or by any other means available to the County, including injunctive relief. Violations are punishable by fine (not to exceed \$500.00 per offense), imprisonment (not to exceed 60 days per offense) or both.

**SECTION 9. Effective Date.**

A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and this ordinance shall take effect upon filing with the Department of State.


DULY ADOPTED in regular session by a unanimous vote of the membership of the Board of County Commissioners this 27<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

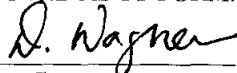
ATTEST:

  
\_\_\_\_\_  
J. K. Buddy Irby, Clerk

By:

  
\_\_\_\_\_  
Mike Byerly, Chair

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alachua County Attorney

## EXHIBIT A

**Section 1.6, Campaign Finance Regulation**, of the Alachua County Home Rule Charter is amended to read:

(A) Authority. Campaign Finance Regulation. Alachua County shall have the power to adopt by charter ~~amended~~ amendment restrictions more stringent than those imposed by general law upon the financing of campaigns conducted by candidates for elective county offices identified in Article II, Section 2.2 (Legislative branch) and Article III, Section 3.1 (Elected county constitutional offices) of this home rule charter. These additional restrictions may apply to all aspects of campaign financing, including solicitations, contributions, expenditures, recordkeeping, reporting requirements, and noncriminal penalties for violation. The initial additional restrictions authorized by this section shall be proposed by ~~amended~~ amendment of this home rule charter at the general election held in either 2004 or 2006 and shall be adopted if approved by a majority of the electors of Alachua County voting on the ~~amended~~ amendment in that general election. All additional restrictions shall be proposed by amendment of this home rule charter at a subsequent general election and shall be adopted if approved by a majority of those electors of Alachua County voting on the amendment in that general election. Charter amendments adopted pursuant to the authority granted in this section shall not be preempted by general law unless the general law expressly supersedes all special acts authorizing county charter home rule power for campaign financing.

(B) Applicability. Candidates for elective county offices, as identified in Article II Section 2.2 and Article III Section 3.1 of this Home Rule Charter, shall adhere to the rules set forth in this section for financing campaigns.

(C) Campaign Contribution Limitations. Candidates shall not accept campaign contributions made by persons as defined in Section 106.011, Florida Statutes, political committees, and committees of continuous existence in an amount exceeding \$250.00 per election. This limitation does not apply to contributions from political parties.

(D) Filing financial reports/time for accepting contributions. Candidates shall adhere to the following requirements when accepting campaign contributions and filing financial reports:

(1) Candidates shall accept only those campaign contributions received on or before midnight on the seventh day prior to the date of the election.

(2) Candidates shall file their last period candidate treasurer reports with the Alachua County Supervisor of Elections by no later than 5:00 pm on the sixth day prior to the date of the election. This deadline may not be extended by use of a postmark or other courier receipt.

(3) Candidate treasurer reports shall be filed in electronic format no later than the due date for the paper original reports.

(4) When reporting their campaign contributions, candidates shall report the source of the contribution as being from those persons and entities described in Chapter 106, Florida Statutes; candidates shall also report the type of contributor and the cumulative total contribution amount from each contributor as of the date of the report.

(E) Election. For the purposes of this section, election means any primary election, special primary election, general election, or special election held in the County for the purpose of nominating or electing candidates to county elective offices.