

ORDINANCE NO. 2026-04

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, CONCERNING AMENDMENTS TO CHANGE THE TOWN'S CHARTER TO EXTEND AND CLARIFY CHARTER TIMEFRAMES FOR CERTIFICATION OF CITIZEN PETITIONS RELATED TO ORDINANCES, ESTABLISH TWO FOUR-YEAR MAYOR-COMMISSIONER TERMS, ALLOW MAYOR-COMMISSIONER TO RUN FOR COMMISSIONER AT THE CONCLUSION OF THEIR SERVICE AS MAYOR-COMMISSIONER, ALLOW APPOINTMENTS FOR COMMISSION VACANCIES WITHOUT A TWO-YEAR BREAK IN SERVICE, ESTABLISH CURRENT COMMISSION DISTRICT BOUNDARIES, REVISE AND CLARIFY STANDARDS FOR FORFEITURE OF OFFICES OF COMMISSIONER AND MAYOR-COMMISSIONER, INCORPORATE STATE LAW GOVERNING ELECTIONS, PUBLIC NOTICES, AND AUDITS, AND CORRECT ERRORS, RESOLVE INCONSISTENCIES, AND UPDATE PROVISIONS TO CLEAN UP CHARTER LANGUAGE; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 3RD DAY OF NOVEMBER 2026, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.031, Florida Statutes, authorizes a municipality to amend its charter by an ordinance submitting proposed amendments to the electors for approval at an election; and

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea (the “Town”) adopted Resolution No. 2024-17 establishing the 2025 Town of Lauderdale-By-The-Sea Charter Review Board (the “Board”) for the purpose of reviewing the Town Charter and determining

whether revisions should be recommended to the Town Commission for submission to the electors;
and

WHEREAS, at its final public meeting held on July 1, 2025, the Board identified and recommended proposed Charter revisions for consideration by the Town Commission and potential submission to the Town electors; and

WHEREAS, at meetings in December 2025, and February through April 2026, the Town Commission evaluated the Board’s recommendations, and developed additional amendments for consideration by the Town electors; and

WHEREAS, pursuant to Section 166.031, Florida Statutes, the Town Commission of the Town has determined to submit to the electors of the Town for approval or rejection the amendments to the Town Charter (the “Charter Amendments”) that are set forth herein to change the Town Charter to:

- extend and clarify Charter timeframes for certification of citizen petitions related to ordinances,
- establish two four-year Mayor-Commissioner terms,
- allow Mayor-Commissioner to run for Commissioner at the conclusion of their service as Mayor-Commissioner,
- allow appointments for Commission vacancies without a two-year break in service,
- establish current Commission district boundaries,
- revise and clarify standards for forfeiture of offices of Commissioner and Mayor-Commissioner,
- incorporate state law governing elections, public notices, and audits, and

- correct errors, resolve inconsistencies, and update provisions to clean up Charter language.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COMMISSION
OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

Section 1. Recitals Adopted. Each of the above stated recitals is hereby adopted and confirmed.

Section 2. Charter Amendments. Pursuant to Section 166.031, Florida Statutes, and subject to the approval of the electors as described in Section 8 below, the Town Charter is hereby amended as follows:¹

* * *

ARTICLE III. ADMINISTRATION AND LEGISLATION

* * *

Sec. 3.3. Qualifications of members~~Reserved.~~

~~Only qualified electors who have resided in the Town of Lauderdale By The Sea for at least six (6) months immediately prior to qualifying preceding the date of election for office and who shall have attained the age of eighteen (18) years of age on or before the date the candidate files and qualifies in accordance with this Charter as a candidate for office, shall be eligible to hold the office of Commissioner.~~

~~Each Commissioner and candidate for Commissioner shall be elected from the election district in which he or she is domiciled has resided for at least six (6) months immediately prior to qualifying preceding the date of election for such office, by the greatest number of votes of all registered electors residing within the Town. Once elected, a Commissioner from an election district shall remain a domiciliary of the election district during his or her term of office. Any Commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office, except a Commissioner holding office will not have his/her term cut short by the establishment of or subsequent change of district boundary lines.~~

* * *

¹ Proposed additions to existing Town Charter text are indicated by underline; proposed deletions from existing Town Charter text are indicated by ~~striketrough~~ and highlighted in yellow. Changes from first reading are indicated by double underline and ~~double striketrough~~, and highlighted in yellow.

ARTICLE IV. INITIATIVE AND REFERENDUM

* * *

Sec. 4.4. Filing procedure.

(1) *Certificate of Clerk; amendment.* Within ~~20~~ thirty (30) calendar days after an initiative petition is filed or within ~~five-ten (10) business~~ 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.

* * *

Sec. 4.5. Action on petitions.

(1) *Action by Town Commission.* When an initiative petition or a petition for the repeal or amendment of an existing ordinance has been finally determined to be sufficient, the Town Commission shall promptly consider or reconsider the ordinance. Whether or not the Commission approves at first reading an initiated ordinance, or the repeal or amendment, as proposed, of a referred ordinance, the Commission shall proceed to a second reading at its next scheduled meeting, and shall otherwise comply with all requirements under Sec. 166.041 F. S. for public notice and public hearings prior to the adoption of an ordinance. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) calendar days, or fails to repeal or amend a referred ordinance in accordance with the initiative petition within thirty (30) calendar days, it shall submit the proposed or referred ordinance to the registered voters of the Town by referendum vote at an election. The referendum vote by registered Town voters shall constitute an "additional requirement for the enactment of ordinances" as specified in paragraph (6) of Section 166.041 F.S., in lieu of and as a greater, increased requirement than the affirmative majority vote of the governing body referred to in paragraph (4) of Sec. 166.041 F. S. If the Commission fails to act on a proposed initiative ordinance or a referred ordinance within the time period

specified in this paragraph, the Commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal or amend the referred ordinance on the last day that the Commission was authorized to act on such matter. In that event, the Commission shall nevertheless comply with the public notice and public hearing requirements of Sec. 166.04 F.S. relative to the ordinance in question.

* * *

ARTICLE V. TOWN OFFICERS AND EMPLOYEES

Sec. 5.5. Town Manager—Powers and duties.

The Town Manager shall be responsible to the Town Commission for the proper administration of all affairs of the Town coming under the Town Manager's jurisdiction, and the Town Manager's powers are and they shall be:

* * *

- (10) To prepare and submit to the Town Commission an annual financial audit of its accounts and records, completed no later than ~~six (6)~~ nine (9) months after the end of its fiscal year by an independent certified public accountant retained by the Town Commission and paid from its public funds.

* * *

ARTICLE VI. ELECTIONS

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. Beginning with the regular election to be held in November 2028, and in every regular election thereafter, a Mayor-Commissioner shall be elected for a term of four (4) years and shall serve until a successor is elected and qualifies. For the purpose of calculating eligibility under this section, any person who has served as Mayor-Commissioner immediately prior to November 2028 shall be deemed to have served one term under this section.
- (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. Notwithstanding any other provision of this Charter, the extension or adjustment of any elected official's term of office resulting from the Town's change of municipal election dates from March to November in 2024 shall be deemed solely for the purpose of aligning the Town's election cycle. Any additional months served as a result of such alignment shall not: (i) be considered a separate term, (ii) be deemed to constitute the commencement of a new term, (iii) be counted for purposes of calculating term limits, or (iv) require or trigger a special election. Service during such alignment period shall be treated as part of the originally elected term.

~~(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~~ 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, as depicted on a map maintained by the Town Clerk.

* * *

Sec. 6.3. Qualifications of members of Town Commission.

- (1) To be eligible to hold the office of Mayor-Commissioner or Commissioner of the Town of Lauderdale-By-The-Sea, or to qualify for candidacy for Mayor-Commissioner or Commissioner, the individual shall be a bona fide resident and citizen of the Town of Lauderdale-By-The-Sea, shall have resided in the said town for the six (6) months immediately preceding the date of election, shall be a registered voter pursuant to Florida law, and shall be otherwise qualified as provided for in the Charter.
- (2) No person may ~~be a candidate~~ appear on a ballot for Commissioner, ~~nor may be appointed to fill a vacancy as a Commissioner,~~ if that person has served during both of the two preceding consecutive Commission terms for that seat as a Commissioner, ~~or a Mayor-Commissioner or both,~~ without a two year break in service.
- (3) No person may ~~be a candidate~~ appear on a ballot for Mayor-Commissioner, ~~nor may be appointed to fill a vacancy as the Mayor-Commissioner,~~ if that person has served during each of the ~~three~~two preceding consecutive Mayor-Commissioner terms as a Mayor-Commissioner, without a two year break in service.

* * *

- (6) No person may ~~be a candidate~~ appear on a ballot for Mayor-Commissioner or Town Commissioner, ~~nor may be appointed to fill a vacancy as the Mayor-Commissioner or Town Commissioner,~~ if that person has consecutively served ~~fourteen (14)~~ sixteen (16) years in any combination of offices without a two year break in service.
- (7) Once elected, a Commissioner from an election district shall remain a resident of the election district during his or her term of office. Any Commissioner who shall cease to possess the qualifications for district residency shall forthwith forfeit his or her office, except a Commissioner holding office will not have his/her term cut short by the establishment of or subsequent change of district boundary lines.

Sec. 6.4. Qualifications of candidates; notice of candidacy; payment of fee.

Any individual who possesses the qualifications as provided in this Charter, may be a candidate for the office of Mayor-Commissioner or Commissioner by filing a verified notice of candidacy for Town Commission with the Town Clerk. Such notice shall be in the following form:

NOTICE OF CANDIDACY FOR TOWN COMMISSIONER OR MAYOR-COMMISSIONER

I, _____ (Name of Candidate) _____, residing at _____
(Residence Address of Candidate), Lauderdale-By-The-Sea, Broward County, Florida,
do hereby give notice of my candidacy for the office of Town Commissioner/Mayor-
Commissioner of the Town of Lauderdale-By-The-Sea, Florida, in the forthcoming
election to be held in said Town on _____ (Date of Primary) _____. I do further
state that I am a citizen of the United States of America, and a resident of the Town of
Lauderdale-By-The-Sea; that I have resided in the Town of Lauderdale-By-The-Sea for
the six (6) months immediately preceding the date of the election to be held; and that I
have fully satisfied all conditions precedent to such candidacy, pursuant to the provisions
of the laws of the State of Florida and the Town Charter.

(Candidate's Signature)

STATE OF FLORIDA
COUNTY OF BROWARD

Before me, the undersigned authority, this day personally appeared _____
(Name of Candidate) who, upon being duly sworn, deposed and said: that he/she is the
candidate referred to in the foregoing Notice; that he/she is familiar with the contents of
said Notice, and that the facts and matters therein stated are true; and that he/she did sign
said Notice for the purpose therein specified.

(Candidate)

Sworn to and subscribed before me, this the _____ day of _____, 20____.

Notary Public, State of Florida

My commission expires: _____

The individual who files the notice as prescribed, and who pays the qualifying fee as prescribed,
if otherwise found to be qualified, shall be entitled to have his/her name printed upon the official
ballot at such town election. All general laws of the state relating to municipal elections, as
amended from time to time, are adopted and shall govern elections for the Town.

* * *

Sec. 6.6. - Forfeiture of office.

A Commission member, or the Mayor-Commissioner, is subject to penalties including forfeiture
of office if the person:

- (1) Lacks, at any time during a term of office, any qualification for the office prescribed by this Charter or general law. The Commissioner or Mayor-Commissioner no longer meets any of the qualifications explicitly listed in Sections 6.3 and 6.4 of this Charter;
- (2) Violates any standard of conduct or code of ethics established by law for public officials. The Florida Commission on Ethics issues a final order, after exhaustion of all appeals, that the Commissioner or Mayor-Commissioner has violated the Florida Code of Ethics for Public Officers and Employees and imposes removal from office under applicable state law;
- (3) The Commissioner or Mayor-Commissioner is convicted of a felony while in office;
- (4) The Commissioner or Mayor-Commissioner fails to attend four (4) consecutive regular meetings of the Town Commission without being excused by the Town Commission by formal action entered upon the minutes; or
- (5) Becomes incapable of performing the duties of the office for a period of more than three (3) months. The Commissioner or Mayor-Commissioner becomes physically or mentally incapable of performing the essential duties of the office for a continuous period exceeding three (3) months, as certified by a licensed medical professional, or confirmed by a final order of a court of competent jurisdiction.

In all circumstances arising under this section, the Town Commission shall be the judge of its own membership. In all matters under this Section, except in granting excused absences, the Town Commission shall act by unanimous vote of the remaining members. The Commissioner or Mayor-Commissioner subject to potential forfeiture shall not vote on any matter pertaining to their own removal. Nothing in this section shall be construed to limit the authority of the Governor under the Florida Constitution to suspend or remove a municipal officer.

Sec. 6.7. Forfeiture hearing and process.

A member of the Town Commission 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 Town at least thirty days before the scheduled hearing in accordance with F.S. ch. 50, or any other method of publication expressly authorized by Florida law and consistent with the Town Charter, or any other applicable authority. The Town Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commissioner's or Mayor-Commissioner's office, including whether or not good cause for absence has been, or may be, established. For forfeiture not automatically imposed by state law or a final court order by a court of competent jurisdiction, the Town Commission shall conduct the hearing and act as the adjudicating body. The Commissioner or Mayor-Commissioner in question shall have the burden of establishing good cause for absence; provided, however, that any Commissioner or Mayor-Commissioner may at any time during any duly held meeting move to establish good cause for his or her absence or the absence of any other Commissioner or Mayor-Commissioner, from any past, present, or future meeting(s), which motion, if carried, shall be conclusive. A Commissioner or Mayor-Commissioner whose qualifications are in question, or who is otherwise subject to a forfeiture hearing for of his/her office, shall not vote on any such matters. Any final determination discretionary forfeiture by the Town Commission that a Commissioner or the Mayor-Commissioner has forfeited his or her office shall be made by resolution approved by a unanimous vote of the remaining members of the Town Commission. All votes and other acts of the

Commissioner or Mayor-Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture. For removals mandated by a governmental authority other than the Town, the Town Commission shall implement the removal without vote.

* * *

Section 3. Election Called. A special election is hereby called for Tuesday, November 3, 2026, in conjunction with the general election being held on said date, to present to the qualified electors of the Town the ballot questions provided in Section 4 of this Ordinance.

Section 4. Form of Ballot. The form of ballot for the Charter Amendments provided for in Section 2 of this Ordinance shall be substantially as follows:

EXTEND AND CLARIFY CHARTER TIMEFRAMES FOR
CERTIFICATION OF CITIZEN PETITIONS RELATED TO
ORDINANCES

The Town Charter establishes short timeframes for certifying citizen-initiated petitions for the repeal or amendment of ordinances. The proposed amendment would extend certification deadlines and clarify whether time periods are measured in calendar days or business days.

Shall the Town Charter be amended to extend petition certification deadlines and clarify time calculations?

YES []

NO []

ESTABLISH TWO FOUR-YEAR MAYOR-COMMISSIONER
TERMS

The Town Charter establishes three two-year terms for the Mayor-Commissioner. This amendment aligns the Mayor-Commissioner and Commissioner term limits by changing the term length to four years and the number of terms to two terms, revising the maximum term limit accordingly, and clarifies application to the Mayor-Commissioner term ending in November 2028.

366 Shall the Town Charter be amended to change the Mayor-
367 Commissioner's term to a maximum of two four-year terms,
368 effective November 2028?

369
370 YES []

371
372 NO []

373
374
375 ALLOW MAYOR-COMMISSIONER TO RUN FOR
376 COMMISSIONER AT THE CONCLUSION OF THEIR SERVICE
377 AS MAYOR-COMMISSIONER

378
379 The Town Charter allows Commissioners to run for Mayor-
380 Commissioner at the conclusion of their term, but the Mayor-
381 Commissioner is not similarly allowed to run for Commissioner at
382 the conclusion of his or her term.

383
384 Shall the Town Charter be amended to allow a person who has
385 served as Mayor-Commissioner to run for and serve as a
386 Commissioner at the conclusion of their service as Mayor-
387 Commissioner, if permissible under the maximum term limits?

388
389 YES []

390
391 NO []

392
393
394 ALLOW APPOINTMENTS FOR COMMISSION VACANCIES
395 WITHOUT A TWO-YEAR BREAK IN SERVICE

396
397 Shall the Town Charter be amended to clarify that the Town
398 Commission may appoint a qualified person to fill a vacancy in the
399 office of Mayor-Commissioner or Commissioner, even if that
400 person would otherwise be required by the Town Charter take a two-
401 year break in service, potentially increasing the number of persons
402 available for appointment?

403
404 YES []

405
406 NO []

407
408
409 ESTABLISH CURRENT COMMISSION DISTRICT
410 BOUNDARIES

The Town has used the same northern and southern Commission district boundaries since 2004. Shall the Town Charter be amended to establish the current district boundaries in the Town Charter, including the existing boundary at the portion of the Village of Sea Ranch Lakes bordering the Atlantic Ocean to preserve the current district boundaries?

YES []

NO []

REVISE AND CLARIFY STANDARDS FOR FORFEITURE OF OFFICES OF COMMISSIONER AND MAYOR-COMMISSIONER

Shall the Town Charter be amended to clarify standards for forfeiture of office of Commission members by tying qualifications to existing Charter provisions, requiring ethics-based removal to be determined under state law by the Florida Commission on Ethics, requiring incapacity determinations to be supported by medical certification or court order, allowing absences to be excused by majority vote, and excusing the Commission from voting on removals already mandated by other governmental authorities?

YES []

NO []

INCORPORATE STATE LAW GOVERNING ELECTIONS, PUBLIC NOTICES, AND AUDITS

The proposed amendment would promote consistency with state law by providing that all general laws of the State of Florida governing municipal elections apply to the Town, aligning the deadline for the Town's annual financial audit with the deadline in state law, and allowing legal notices to be published on publicly accessible websites as provided in state law.

Shall the Town Charter incorporate Florida laws governing municipal elections, public notices, and audits?

YES []

456
457 NO []
458

459
460 CORRECT ERRORS, RESOLVE INCONSISTENCIES, AND
461 UPDATE PROVISIONS TO CLEAN UP CHARTER
462 LANGUAGE
463

464 The proposed amendment would revise the Town Charter to correct
465 errors, improve clarity, resolve inconsistencies in terminology and
466 in timelines, and update references to reflect current Florida law.
467

468 Shall the Town Charter be amended to correct errors, resolve
469 inconsistencies, and update provisions to reflect current law?
470

471 YES []
472

473 NO []
474
475

476 **Section 5. Vote at Polls.** Balloting shall be conducted between the hours of 7 A.M. and

477 7 P.M. on the date of the election, and early and absentee balloting shall also be permitted as
478 provided in conjunction with the general election. Polling places shall be those polling places
479 provided for the general election for the electors of the Town, pursuant to applicable laws. All
480 qualified Town electors who are timely registered in accordance with law shall be entitled to vote.
481 The Town Clerk is authorized to obtain any necessary election administration services from the
482 Broward County Supervisor of Elections. The County registration books shall remain open at the
483 Office of the Broward County Supervisor of Elections office until October, 2026, as provided by
484 law, at which date the registration books shall close in accordance with the provisions of the
485 general election laws. The Town Clerk and the Broward County Supervisor of Elections are
486 hereby each authorized to take all appropriate action necessary to carry into effect and accomplish
487 the electoral provisions of this Ordinance. This Charter Amendment election shall be canvassed
488 by the County Canvassing Board unless otherwise provided by law.

Section 6. Notice of Special Election.

Notice of said special election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the Town, or publication on the county's website as provided in Section 50.0311, the municipality's website, or the supervisor's website, at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, September 27, 2026), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 11, 2026), and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT, PURSUANT TO ORDINANCE NO. 2026-04 ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA (THE "TOWN"), A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN, IN CONJUNCTION WITH THE GENERAL ELECTION, ON TUESDAY, THE 3RD DAY OF NOVEMBER 2026, BETWEEN THE HOURS OF 7 A.M. AND 7 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

EXTEND AND CLARIFY CHARTER TIMEFRAMES FOR CERTIFICATION OF CITIZEN PETITIONS RELATED TO ORDINANCES

The Town Charter establishes short timeframes for certifying citizen-initiated petitions for the repeal or amendment of ordinances. The proposed amendment would extend certification deadlines and clarify whether time periods are measured in calendar days or business days.

Shall the Town Charter be amended to extend petition certification deadlines and clarify time calculations?

YES []

NO []

ESTABLISH TWO FOUR-YEAR MAYOR-COMMISSIONER
TERMS

The Town Charter establishes three two-year terms for the Mayor-Commissioner. This amendment aligns the Mayor-Commissioner and Commissioner term limits by changing the term length to four years and the number of terms to two terms, revising the maximum term limit accordingly, and clarifies application to the Mayor-Commissioner term ending in November 2028.

Shall the Town Charter be amended to change the Mayor-Commissioner's term to a maximum of two four-year terms, effective November 2028?

YES []

NO []

ALLOW MAYOR-COMMISSIONER TO RUN FOR
COMMISSIONER AT THE CONCLUSION OF THEIR SERVICE
AS MAYOR-COMMISSIONER

The Town Charter allows Commissioners to run for Mayor-Commissioner at the conclusion of their term, but the Mayor-Commissioner is not similarly allowed to run for Commissioner at the conclusion of his or her term.

Shall the Town Charter be amended to allow a person who has served as Mayor-Commissioner to run for and serve as a Commissioner at the conclusion of their service as Mayor-Commissioner, if permissible under the maximum term limits?

YES []

NO []

ALLOW APPOINTMENTS FOR COMMISSION VACANCIES
WITHOUT A TWO-YEAR BREAK IN SERVICE

Shall the Town Charter be amended to clarify that the Town Commission may appoint a qualified person to fill a vacancy in the office of Mayor-Commissioner or Commissioner, even if that

person would otherwise be required by the Town Charter take a two-year break in service, potentially increasing the number of persons available for appointment?

YES []

NO []

ESTABLISH CURRENT COMMISSION DISTRICT BOUNDARIES

The Town has used the same northern and southern Commission district boundaries since 2004. Shall the Town Charter be amended to establish the current district boundaries in the Town Charter, including the existing boundary at the portion of the Village of Sea Ranch Lakes bordering the Atlantic Ocean to preserve the current district boundaries?

YES []

NO []

REVISE AND CLARIFY STANDARDS FOR FORFEITURE OF OFFICES OF COMMISSIONER AND MAYOR-COMMISSIONER

Shall the Town Charter be amended to clarify standards for forfeiture of office of Commission members by tying qualifications to existing Charter provisions, requiring ethics-based removal to be determined under state law by the Florida Commission on Ethics, requiring incapacity determinations to be supported by medical certification or court order, allowing absences to be excused by majority vote, and excusing the Commission from voting on removals already mandated by other governmental authorities?

YES []

NO []

INCORPORATE STATE LAW GOVERNING ELECTIONS, PUBLIC NOTICES, AND AUDITS

The proposed amendment would promote consistency with state law by providing that all general laws of the State of Florida governing municipal elections apply to the Town, aligning the deadline for the Town's annual financial audit with the deadline in state law, and allowing legal notices to be published on publicly accessible websites as provided in state law.

Shall the Town Charter incorporate Florida laws governing municipal elections, public notices, and audits?

YES []

NO []

CORRECT ERRORS, RESOLVE INCONSISTENCIES, AND
UPDATE PROVISIONS TO CLEAN UP CHARTER
LANGUAGE

The proposed amendment would revise the Town Charter to correct errors, improve clarity, resolve inconsistencies in terminology and in timelines, and update references to reflect current Florida law.

Shall the Town Charter be amended to correct errors, resolve inconsistencies, and update provisions to reflect current law?

YES []

NO []

Polling place information, the enabling Ordinance including the full text of the proposed Town Charter Amendments and the ballot questions, are available at the office of the Town Clerk, located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308.

Town Clerk

Section 7. Copies. Copies of this Ordinance proposing the Charter Amendments are on file at the offices of the Town Clerk located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308, and are available for public inspection during regular business hours.

Section 8. Effectiveness. The Charter Amendments provided for in Section 2 of this Ordinance shall become effective if the majority of the qualified electors voting on the Charter Amendments described in the ballot summary of Section 4 of this Ordinance, vote for its adoption. The Charter Amendments shall be considered adopted and effective upon certification of the election results. Following adoption of the Charter Amendments, the Town Clerk shall incorporate the adopted Charter Amendments into the Town Charter and shall file the revised Town Charter with the Office of the Secretary of State as required by Section 166.031, Florida Statutes.

Section 9. Inclusion in the Town Charter. Subject to the requirements of Section 8 above, it is the intention of the Town Commission and it is hereby provided that the Charter Amendments shall become and be made a part of the Charter of the Town of Lauderdale-By-The-Sea, Florida, and that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention.

Section 10. **Severability.** 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 they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 11. Effective Date of Ordinance. This Ordinance shall become effective immediately upon adoption hereof on second reading.

PASSED AND ADOPTED on First Reading this day of May, 2026.

PASSED AND FINALLY ADOPTED on Second Reading this day of May, 2026.

MAYOR EDMUND MALKOON

682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707

Mayor Malkoon
Vice-Mayor Strauss
Commissioner Graziano
Commissioner DeNapoli
Commissioner Pouloupoulos

First Reading

Second Reading

YES

NO

NO

YES

YES

ATTEST:

Melissa Vasami, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Ordinance title: ORDINANCE No. 2026-04

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, CONCERNING AMENDMENTS TO CHANGE THE TOWN'S CHARTER TO EXTEND AND CLARIFY CHARTER TIMEFRAMES FOR CERTIFICATION OF CITIZEN PETITIONS RELATED TO ORDINANCES, ESTABLISH TWO FOUR-YEAR MAYOR-COMMISSIONER TERMS, ALLOW MAYOR-COMMISSIONER TO RUN FOR COMMISSIONER AT THE CONCLUSION OF THEIR SERVICE AS MAYOR-COMMISSIONER, ALLOW APPOINTMENTS FOR COMMISSION VACANCIES WITHOUT A TWO-YEAR BREAK

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

☐

The ordinance is required for compliance with federal or state law or regulation;

☐

The ordinance relates to the issuance or refinancing of debt;

☐

The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

☐

The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the Town;

☐

The ordinance is an emergency ordinance;

☐

The ordinance relates to procurement; or

☐

The ordinance is enacted to implement the following:

- a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
- b. Sections 190.005 and 190.046, regarding community development districts;
- c. Section 553.73, relating to the Florida Building Code; or
- d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

N/A

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

N/A

3. Estimate of direct compliance costs that businesses may reasonably incur:

N/A

4. Any new charge or fee imposed by the proposed ordinance:

N/A

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

N/A

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

N/A

7. Additional information (if any):