

ORDINANCE 1261

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA ADOPTING A QUALIFICATION PERIOD AND DEADLINE FOR QUALIFICATION OF CANDIDATES FOR ELECTED OFFICE IN THE CITY; PROVIDING FOR SEVERANCE; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council finds it necessary and prudent to establish a qualification deadline which allows sufficient time for review of qualifications and production and mailing of absentee ballots.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF POLK CITY, FLORIDA, AS FOLLOWS:

Section1. ADOPTION OF QUALIFICATION DEADLINE.

The City hereby establishes the following deadline for submittals of completed qualification packages for qualification for any elected office in the City incorporating the provisions of section 99.061 of the Florida Statutes, and specifically, section 99.061(2)F.S., which states: (2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (l), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after 1:00 p.m. of the 1st day for which shall be the 50th day prior to the first primary or special district election, but not later than 1:00 p.m. of the 47th day prior to the date of the first primary or special district election. However, if a special district election is held at the same time as the second primary or general election, qualifying shall be the 50th day prior to the first primary, but not later than 1:00 p.m. of the 47th day prior to the date of the first primary. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

Section 2. SEVERABILITY.

Should any section or provision of this Ordinance or any portion thereof, the deletion of which would not adversely affect (in the general sense) the remainder, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder. As a whole or any part thereof, other than the part declared to be invalid,

Section 3. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. Code Enforcement Ordinances shall not be deemed in conflict, but shall be deemed amended by this Ordinance to incorporate the enforcement and fines included in this Ordinance to the extent that such amendment is lawful.

Section 4. EFFECTIVE DATE. This Ordinance shall become effective upon passage by the Council.

INTRODUCED AND PASSED on first reading this the ____ day of January 2009.

City Council of the City of Polk City

Donald L. Penton, Mayor

ATTEST

Patricia Jackson, City Clerk

PASSED AND CERTIFIED AS TO PASSAGE on the second reading this the ____ day of February 2009.

City Council of the City of Polk City

Donald L. Penton, Mayor

ATTEST

Patricia Jackson, City Clerk

APPROVED AS TO CONTENT AND FORM

Jeffrey Sullivan, City Attorney