

ORDINANCE NO. 25-01

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION;" AMENDING SECTION 2-26 OF THE CITY CODE, ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS;" ELIMINATING THE PROHIBITION ON THE ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS FROM REAL ESTATE DEVELOPERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 106, F.S., governs campaign financing, including contribution limits, electioneering communications, reporting requirements and other related matters; and

WHEREAS, the campaign finance reporting requirements provide for the disclosure of all campaign contributions, including the source and amount of such contributions; and

WHEREAS, the City's Code of Ordinances further requires the public disclosure by the members of City Commission of contributions received by applicants in quasi-judicial matters, among other public disclosures; and

WHEREAS, the City Commission desires to repeal certain provisions of Sec. 2-26, prohibiting campaign contributions from lobbyists, real estate developers and vendors doing business with the City; and

WHEREAS, the City Commission finds that repealing certain provisions of Section 2-26 related to real estate developers is in the best interests of the citizens and residents of the City; and

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

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CODING: Words in ~~strike through~~ type are deletions from the existing law;
Words in underscore type are additions

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

SECTION 2: The City Commission of the City of Cooper City hereby amends Chapter 2 of the City's Code of Ordinances, entitled "Administration" by amending Section 2-26 of the City of City Code, as follows:

Sec. 2-26 Prohibited Campaign Contributions

(a) Definitions. For the purposes of this section, the following definitions shall apply:

Candidate shall have the meaning set forth in Section 97.021, F.S., as may be amended from time to time.

Contribution shall have the meaning set forth in Section 106.011, F.S., as may be amended from time to time.

~~*Controlling financial interest* shall mean the ownership, directly or indirectly, of ten percent (10%) or more of the outstanding capital stock in in any corporation or a direct or indirect interest of ten percent (10%) or more in a firm.~~

~~*Development Agreement* shall have the meaning set forth in Ch. 163, F.S., as may be amended from time to time. The term "development agreement" shall include any amendments, extensions, modifications or clarifications thereto.~~

~~*Firm* shall mean a corporation, partnership, business trust or any legal entity other than a natural person.~~

Lobbyist shall mean an individual who is registered with the City in accordance with the City's lobbyist registration system, as set forth in Section 2-233 of the City's Code of Ordinances.

~~*Real Estate Developer* shall mean an individual or entity who has a pending application for a development agreement or approval with the City or who is currently negotiating with the City for a development agreement or approval, including individuals or entities who have a present or pending application with the City for a change of the City's zoning map designation or a change to the City's future land use plan. This term shall include an individual or entity that holds a controlling financial interest in a real estate developer entity.~~

Vendor shall mean a person or entity that is currently supplying any goods or services to the City, that has supplied any goods or services to the City within the current or prior two (2) calendar years, or that has, by submitting a response to a currently open competitive solicitation, expressed an interest in supplying any goods or services to the City. The term “vendor” shall not include those individuals or entities that provide goods or services to the City not exceeding \$20,000 in a fiscal year wherein City Commission action is not required to approve an award of a contract.

(b) Contributions prohibited.

- (1) No lobbyist, ~~real-estate-developer~~ or vendor shall give a campaign contribution, directly or indirectly, to a candidate for the office of mayor or commissioner.
- (2) No candidate for mayor or commissioner, or member of the City Commission shall, directly or indirectly, solicit, accept or deposit into such candidate’s campaign account any campaign contribution from a lobbyist, ~~real-estate-developer~~ or vendor. Candidates, or those acting on a candidate’s behalf, including incumbent members of the City Commission, shall ensure compliance with this section by confirming with the city clerk’s office the status of any potential donor.

(c) Contracts and Procurement. Commencing on the effective date of this ordinance, all City contracts, requests for proposals, requests for qualifications, or any other competitive solicitation issued by the City shall incorporate this provisions of this section to notify lobbyists, ~~real-estate-developers~~ and vendors of the limitations and restrictions set forth herein.

(d) Penalties. All contributions deposited by a candidate into a campaign account in violation of this section shall be forfeited to the City’s general revenue fund. Violations of this section may be further subject to the penalty provisions set forth in Sec. 1-8 of the City’s Code of Ordinances.

SECTION 3: All sections of the City of Cooper City Code not amended hereunder shall remain in full force and effect.

SECTION 4: It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this Ordinance may be renumbered, re-

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lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

SECTION 5: All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this ordinance are to be severable.

SECTION 7: This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on First Reading this ____ day of _____, 2024.

PASSED AND FINAL ADOPTION on Second Reading this ____ day of _____, 2024.

JAMES CURRAN
Mayor

ATTEST:

TEDRA ALLEN, MMC
City Clerk

ROLL CALL

Mayor Curran _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____
Commissioner Smith _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney

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BUSINESS IMPACT ESTIMATE

Ordinance 25-01

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1/28/2025 – Meeting Date

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

- X 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 City;
- 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 a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

2. Estimate the direct economic impact of the proposed ordinance on private, for-profit businesses in the City: _____

3. Estimate of direct compliance costs: _____

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

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs: _____

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

7. Additional Information: _____

