

Ordinance No.:

4872

AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING SECTION 26-9 OF THE CODE OF ORDINANCES BY REQUIRING PROSPECTIVE CANDIDATES FOR PUBLIC OFFICE TO PROVIDE DOCUMENTS CORROBORATING THEIR IDENTITY AND RESIDENCY; AMENDING AFFIDAVIT TO CONFORM TO CHANGES IN FLORIDA STATUTES AND MAKING MINOR STYLISTIC CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City Charter requires all candidates for elected office be residents of the City of Sweetwater; and,

WHEREAS, previously, persons have qualified for elected office who have admitted to lying under oath and perjuring themselves regarding their residency; and,

WHEREAS, it is in the interest of the residents and electors of the City of Sweetwater that all prospective candidates reside within the City limits as a condition to qualifying for election; and,

WHEREAS, the foregoing interest of the City, its residents and electors is hereby advanced by requiring prospective that candidates for elected office produce identifying documents to establish and verify their residency as a condition to qualifying, as provided in Attachment 1, attached hereto and made part hereof;

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

Section 1. The above preamble is incorporated herein by reference as if set forth in full.

Section 2. The City Code of Ordinances, §26-9, is hereby amended by the addition of underscored language and ~~deletion of stricken through language~~ as provided in Attachment 1.

Section 3. All ordinances or portions of the Code of Ordinances of the City of Sweetwater in conflict with the provisions of this ordinance shall be repealed upon the effective date hereof.

Section 4. It is the intention of the Mayor and the City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention codifiers may change the words "ordinance" or "section" to other appropriate words.

Section 5. If any portion of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the ordinance.

Section 6. This ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or, if vetoed, upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

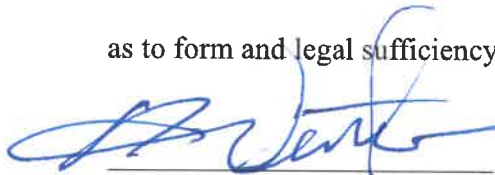
Attest:


Carmen Garcia,
City Clerk

Ordinance came back without
the Mayor's signature, will
become effective on 09/25/2022
OL

Orlando Lopez,
Mayor

as to form and legal sufficiency


Ralph Ventura
City Attorney


Saul Diaz,
Commission President

Saul Diaz, President of the City Commission	yes
Isidro Ruiz, Vice President of the City Commission	yes
Idania Llanio, Commissioner	yes
Jose Marti, Commissioner	yes
Reinaldo Rey, Commissioner	yes
Ian Vallecillo, Commissioner	Absent
Marcos Villanueva, Commissioner	yes

Date of first reading 08/01/2022
Date of publication 08/30/2022
Date of second reading 09/12/2022

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Attachment 1

Sec. 26-9. - Citizenship and residency verification.

(1) At the time of qualifying for office, each prospective candidate for elected office in the City of Sweetwater shall execute a notarized affidavit under oath attesting to the following:

(a)The candidate's qualifications as an "elector of the city" and a "qualified resident and citizen" of the city for the time period set forth in the Charter for the office which said candidate seeks.

(b)The candidate's residential addresses during the time period set forth in the Charter for the office which said candidate seeks.

(c)The candidate's temporary residential addresses during the time period set forth in the Charter for the office which said candidate seeks.

(d)All residential addresses of the candidate's spouse, if any, during the time period set forth in the Charter for the office which said candidate seeks.

(e)The candidate's status as a citizen of the United States.

(f)Whether the candidate is currently holding an elected or appointed office that would require his/her resignation under F.S. § 99.012.

(2) Each prospective candidate shall also provide the city clerk with two (2) photo-bearing identification cards or one (1) such card and two (2) forms official or business correspondence, such as electricity bills, gas bills, or cable bills. All documents produced hereunder must readily identify the prospective candidate and must also corroborate their residence within the City of Sweetwater city limits.

~~(2)~~ (3) The city clerk shall not accept a qualifying fee from any candidate who fails to submit to the clerk, whether prior to or simultaneously with the submission of the qualifying fee, the identifying documents and affidavit mandated by this section, fully completed as required above.

~~(3)~~ (4) The notarized affidavit shall be in a form substantially similar but not necessarily identical to the following:

AFFIDAVIT OF CANDIDATE
CITY OF SWEETWATER, FLORIDA

STATE OF FLORIDA

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COUNTY OF MIAMI-DADE
CITY OF SWEETWATER

(herein after "Affiant"), being first duly sworn deposes and says:

1. My name is _____.

2. I am offering myself as a candidate for the office of _____ of the City of Sweetwater, Florida in group _____ or the office of mayor.

3. I am a duly registered voter and elector and a qualified resident of the City of Sweetwater.

4. I have continuously resided in the City of Sweetwater for since [CLERK TO INSERT APPLICABLE DATE] (hereinafter the "Residency Date").

5. I currently reside at _____, which is my legal address and have resided continually at said address from _____ through the date hereof.

6. Since the Residency Date and prior to my current residence, I have resided at the following addresses:

7. Since the Residency Date my spouse has resided at the following addresses:

8. I am a Citizen of the United States of America.

9. I do not currently hold any elected or appointed office that would require my resignation under § 99.012, Florida Statutes or I have resigned my position as provided in said statute.

Affiant:

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, by _____ who is _____

Is personally known or _____

Presented to me a valid identification: _____.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____.

NOTARY PUBLIC, State of Florida

My commission expires: _____

AFFIDAVIT OF CANDIDATE
CITY OF SWEETWATER, FLORIDA

STATE OF FLORIDA
COUNTY OF MIAMI-DADE
CITY OF SWEETWATER

_____ (herein after "Affiant"), being first duly sworn deposes and says:

1. My name is _____.

2. I am offering myself as a candidate for the office of _____ of the City of Sweetwater, Florida in group _____.

3. I am a duly registered voter and elector and a qualified resident of the City of Sweetwater.

4. I have continuously resided in the City of Sweetwater for since [CLERK TO INSERT APPLICABLE DATE] (hereinafter the "Residency Date").

5. I currently reside at _____, which is my legal address and have resided continually at said address from _____ through the date hereof.

6. Since the Residency Date and prior to my current residence, I have resided at the following addresses:

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7. Since the Residency Date my spouse has resided at the following addresses:

8. I am a Citizen of the United States of America.

9. I do not currently hold any elected or appointed office that would require my resignation under § 99.012, Florida Statutes.

Affiant:

STATE OF FLORIDA,
COUNTY OF MIAMI-DADE

~~I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared _____ who:~~

~~Is personally known.~~

~~Presented to me a valid identification: _____.~~

~~Who executed the foregoing instrument and~~ ~~did~~ ~~did not take an oath.~~

~~WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____.~~

NOTARY PUBLIC, State of Florida

My commission expires: _____

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