

Part II. Legislative Branch and Legislation
ARTICLE 1. CITY COMMISSION*

***Editor's note:** Ch. 25768, Part II, Art. 1 was repealed and a new Part II, Art. 1 enacted by Sp. Acts, Ch. 67-1262, §§ 1, 2.

Sec. 1. Creation of commission.

There is hereby created a city commission consisting of five (5) commissioners who shall be elected at large in the manner provided in this charter and who shall take office on the first Tuesday immediately following their election.

(Sp. Acts, Ch. 67-1262, § 2)

State law references: Elected municipal officers to take office within fourteen (14) days after the election, Laws of Fla., Ch. 75-336, § 5.

Sec. 2. Terms of commissioners.

The commissioners presently in office as of the effective date of this section, or their successors in the event there have been vacancies in office before the expiration dates of their terms, shall continue in office for the terms for which they were originally elected so that two (2) seats on the city commission will become vacant in 1967 and so that three (3) seats on the city commission will become vacant in 1968.

At the municipal election for the year 1967, two (2) commissioners shall be elected for terms of three (3) years each. Thereafter, beginning with the municipal election for the year 1970, and at the municipal elections every four (4) years following, two (2) commissioners shall be elected for terms of four (4) years each.

At the municipal election for the year 1968, and at the municipal elections every four (4) years following, three (3) commissioners shall be elected for terms of four (4) years each.

(Sp. Acts, Ch. 67-1262, § 2)

Sec. 3. Qualification of members.

To be eligible to hold the office of city commissioner of the City of Dania Beach, or to qualify for nomination or election as such, the candidate shall be a bona fide resident and citizen of the City of Dania Beach, a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall have resided in the city for the six (6) months immediately preceding the date of election; and shall be otherwise qualified as provided in this charter. Candidates for nomination or election for the office of city commissioner shall comply with all the rules and regulations set out in the charter as to their conduct. Any commissioner who shall

cease to possess the qualifications required in this section shall immediately forfeit his or her office.

No commissioner shall serve more than two (2) consecutive four (4) year terms in office with a full two (2) year interval before serving additional terms. This provision shall be prospective and not retroactive, and shall not take into account the present or past terms of the presently-elected commissioners or the commissioners to be elected at the city's general election on March 9, 1993.

(Sp. Acts, Ch. 67-1262, § 2; Ord. No. 02-93, § 2, 1-26-93; Ord. No. 2002-006, § 1, 2-26-02)

Sec. 4. Judge of own elections.

The city commission shall be the judge of the election and qualification of its members, subject to review by the courts. At the time that the city commission meets to [declare] the results of any election any registered elector of City of Dania [Beach] shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.

(Sp. Acts, 67-1262, § 2)

Editor's note: The word canvass has been deleted as the results of the election are canvassed by the county pursuant to Laws of Fla., Ch. 75-350 as amended.

Sec. 5. Election of mayor and vice-mayor.

At the organizational meeting of the city commission to be held on Tuesday following the municipal election, and at each biennial organizational meeting held every two (2) years thereafter, the city commission candidate receiving the highest number of votes in said election shall become mayor for a term of one year. The candidate receiving the second highest number of votes shall become the vice mayor for a term of one year and shall automatically be elevated to the position of mayor after his one year term as vice mayor and shall serve as mayor until his successor is duly elected at the next biennial organizational meeting. At the commission meeting at which the vice mayor is elevated to mayor, a vice-mayor will be elected by the city commission and he or she shall serve until the next biennial organizational meeting. Any vacancy in the office of mayor or vice-mayor shall be filled by a vote of the city commission.

(Sp. Acts, Ch. 67-1262, § 2; Ord. No. 13-91, § 1, 4-9-91; Ord. No. 03-93, § 2, 1-26-93)

Sec. 6. Powers and duties.

The commission shall have the power to pass ordinances, adopt resolutions, appoint all appointive officers, boards and commissions by resolution, and exercise all other powers herein provided.

(Sp. Acts, Ch. 67-1262, § 2)

Sec. 7. Limitations on powers.

All powers of City of Dania [Beach] except as otherwise provided by this charter or by the constitution of the State of Florida, are hereby vested in the city commission; and except as otherwise provided by this charter or by the constitution of the State of Florida, the city commission may by ordinance or resolution prescribed the manner in which any powers of the said city shall be exercised.

Neither the city commission nor any of its members shall dictate the appointment of any person to office or employment by the city manager, or in any manner prevent the city manager from using his own judgment in selecting those officers or employees which he is entitled to appoint or select under the provisions of this charter. The commission and its members shall deal with the administrative service solely through the city manager, and neither the commission nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately.

(Sp. Acts, Ch. 67-1262, § 2)

Sec. 8. Forfeiture of office.

Absence by any commissioner from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission, by resolution setting forth the fact of such excuse, duly entered upon the minutes. Any member of the city commission who shall be convicted of a felony while in office shall thereupon forfeit his office, unless such conviction be reversed.

(Sp. Acts, Ch. 67-1262, § 2)