



City of North Port

ORDINANCE NO. 2016-11

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, DIVISION 1, SECTION 2-25 ESTABLISHING CAMPAIGN CONTRIBUTION LIMITATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 106.08(1) (a) 2, Florida Statutes, provides that, except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of \$1,000 for a candidate for legislative office...or in any election conducted on less than a countywide basis; and

WHEREAS, the contribution limits of Section 106.08(1) (a) 2 Florida Statutes apply to each election. The primary election and general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011 Florida Statutes; and

WHEREAS, certain local jurisdictions in Florida, including Sarasota County and the City of Sarasota have established campaign contribution limits lower than \$1,000 for local elections; and

WHEREAS, although courts have found that the regulation of campaign financing may infringe upon the rights of free speech and free association protected by the First Amendment; such regulation is nonetheless allowable in limited circumstances, if supported by a sufficient governmental interest and if narrowly drafted to address that interest in the least restrictive manner; and

WHEREAS, a local government's interest in regulating campaign financing by restricting campaign contributions to candidates is legitimate and substantial because "... actual corruption resulting from a candidate's dependence upon large individual contributors would undermine the integrity of representative democracy and even the appearance of corruption that arises from public awareness of the possibilities for abuse would erode confidence in the democratic system;" Let's Help Florida v McCray, Jr., 621 F.2d 195 (5th Cir. 1980); and

WHEREAS, the City Commission finds that corporate and other business entities have the ability to accumulate significant wealth and that such wealth may be utilized to disproportionately impact City elections with campaign contributions which can result in the perception that public officials are unduly influenced by special interests to the detriment of the public at large; and

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

SECTION 1. RECITALS. The recitals outlined above are incorporated by reference herein.

SECTION 2. FINDINGS. The City Commission hereby makes the following findings:

2.01 Section 2-25 is hereby amended and revised to read as follows:

Sec. 2-25. -- Campaign Contribution Limitations

No candidate for the office of City Commissioner shall accept campaign contributions or in kind services, which exceed the aggregate amount of Two Hundred Fifty Dollars (\$250) from any single contributor for each election. For purposes of this section, the terms "candidate" and "contribution" shall have the meanings ascribed to those terms by Chapter 106 Florida Statutes, as amended from time to time. This limitation does not apply to contributions from political parties.

SECTION 3. SEVERABILITY.

3.01 If any section, subsection or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. CONFLICTS.

4.01 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

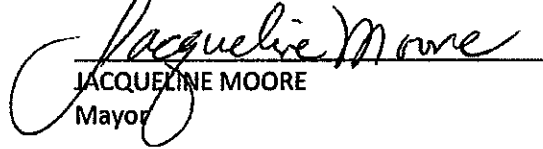
SECTION 5. EFFECTIVE DATE.

5.01 This Ordinance shall take effect ~~immediately upon adoption by the City Commission of the City of North Port, Florida.~~ January 1, 2017.

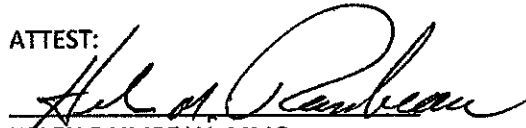
READ BY TITLE ONLY in public session this 2nd day of April, 2016.

PASSED and ADOPTED on second and final reading in public session this 26th day of April, 2016.

CITY OF NORTH PORT, FLORIDA


JACQUELINE MOORE
Mayor

ATTEST:


HELEN RAIMBEAU, MMC
City Clerk

Approved as to form and correctness:


MARK MORIARTY
City Attorney