

**ORDINANCE NO. 2012-3**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-101 “QUALIFYING PERIOD” OF ARTICLE V “ELECTIONS” OF THE VILLAGE CODE OF ORDINANCES, RELATING TO THE QUALIFYING PERIOD FOR THE MAYOR AND VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village of Key Biscayne (the “Village”) General Election is scheduled for November 6, 2012; and

WHEREAS, the Miami-Dade County (the “County”) Elections Department has requested that the Village Council’s qualifying period for the General Election be modified in order to enable the County Supervisor of Elections to meet statutory deadlines for the mailing of overseas absentee ballots; and

WHEREAS, the Village Council desires to modify Section 2-101 of the Village Code of Ordinances to provide that the qualifying period for the Mayor and Village Council may be modified, if such modification is necessary in order to accommodate a request by the County Supervisor of Elections office or a successor entity or to comply with state or Federal law; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS<sup>1</sup>:**

**Section 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

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<sup>1</sup> Coding: underlined words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

**Section 2. Section 2-101 of the Village Code Amended.** The Village Council hereby amends Chapter 2 “Administration” of Article V “Elections,” by amending Section 2-101 “Qualifying period” of the Village Code, to read as follows:

**Sec. 2-101. - Qualifying period.**

(a) Regular Election. Candidates for the office of Mayor shall qualify with the Village Clerk no earlier than noon on the 77th day and no later than noon on the 67th day prior to the date of the Mayoral primary election, and candidates for the office of Village Council shall qualify with the Village Clerk no earlier than noon on the 85th day and no later than noon on the 75th day prior to the date of the regular Council election of the Village, in the method provided for in the Village Charter or Code, and under the rules of elections prescribed in the Florida Statutes. The qualifying periods provided for in this section may be modified for a specific election by resolution of the Village Council in order to accommodate a request by the Miami-Dade County Supervisor of Elections office or a successor entity or to comply with state or Federal law. In the event of such modification, the Village Clerk shall publish the modified qualifying dates in a newspaper of general circulation within the Village at least 10 days prior to the commencement of the modified qualifying periods.

(b) Special Election. In those situations in which a special election is called for the purpose of filling a vacancy which occurs on the Council or in the office of Mayor during an unexpired term of office, the Council shall by resolution establish the qualifying period during which candidates for the vacant office may qualify with the Village Clerk in the method provided for in the Village Charter or Code, and under the rules of elections prescribed in the Florida Statutes.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading

PASSED on first reading this 28th day of February, 2012.

PASSED AND ADOPTED on second reading this 13th day of March, 2012.

  
MAYOR FRANKLIN H. CAPLAN

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



VILLAGE ATTORNEY



# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

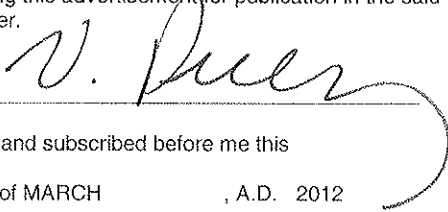
Before the undersigned authority personally appeared V. PEREZ, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAYNE - PUBLIC NOTICE  
ORDINANCES - MARCH 13, 2012

in the XXXX Court,  
was published in said newspaper in the issues of

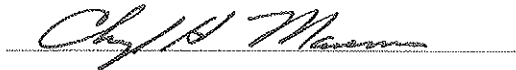
03/01/2012

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



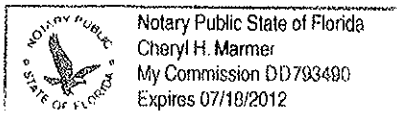
Sworn to and subscribed before me this

01 day of MARCH, A.D. 2012



(SEAL)

V. PEREZ personally known to me



## VILLAGE OF KEY BISCAYNE OFFICE OF THE VILLAGE CLERK PUBLIC NOTICE

Notice is hereby given that the following ordinances will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, March 13, 2012 at 7:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-101 "QUALIFYING PERIOD" OF ARTICLE V "ELECTIONS" OF THE VILLAGE CODE OF ORDINANCES, RELATING TO THE QUALIFYING PERIOD FOR THE MAYOR AND VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 4-32 "PROHIBITED WATER ACTIVITY" CREATING A VESSEL EXCLUSION ZONE WHICH LIMITS THE MASHTA FLAT AREA, AS FURTHER DESCRIBED ON EXHIBIT "A," WITHIN THE VILLAGE'S MUNICIPAL BOUNDARIES TO NON-MOTORIZED VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed Ordinances may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinances. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Conchita H. Alvarez, MMC  
Village Clerk

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12-4-127/1844623M