

ELECTION PACKET

ADVISORY

It is highly recommended that you meet with
Deputy Town Clerk Cyd Jones prior to beginning the process.

TOWN OF MELBOURNE BEACH



NOVEMBER 3, 2026 MUNICIPAL ELECTION CANDIDATE QUALIFYING PACKAGE



Town of Melbourne Beach

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Town of Melbourne Beach

Candidate Forms & Information Receipt 2026

I, _____, candidate for Town Commission in the Town of Melbourne Beach acknowledge receipt of the following candidate materials/information from the Town Clerk, and further acknowledge that it is the candidate's responsibility to familiarize themselves with the rules and regulations regarding their candidacy by reading and understanding the publications by accessing the websites and materials provided:

1. Candidate Forms & Information Receipt
2. Candidate Checklist
3. Appointment of Campaign Treasurer and Designation of Campaign Depository Form (DS-DE9)
4. Willingness to Serve Statement (TMB-02)
5. Statement of Candidate (DS-DE84)
6. Loyalty Oath
7. Town of Melbourne Beach Election Information
8. Notice Regarding Form 1 and a Sample Form 1
9. Candidate Nominating Petitions Form (TMB-01)
10. Candidate's Oath for Non-Partisan Office (DS-DE 302NP)
11. Affidavit for Use of Nickname
12. Reporting Dates for Campaign Treasurer Reports
13. Campaign Treasurer's Report Summary (DS-DE12)
14. Campaign Treasurer's Report of Itemized Contributions (DS-DE13)
15. Campaign Treasurer's Report of Itemized Expenditures (DS-DE14)
16. Campaign Treasurer's Waiver of Report – No Contributions and No Expenditures (DS-DE87)
17. Melbourne Beach Town Code – Article II Town Commission
18. Melbourne Beach Town Code – Article III General Town Administration
19. Melbourne Beach Town Ordinance 2025-02 – Charter Amendments
20. Melbourne Beach Town Code – Chapter 13 Elections
21. Melbourne Beach Town Code – 7A-52(g)(12) Political Sign Regulations
22. Electronic Copy of Florida Division of Elections Candidate & Campaign Handbook
23. Electronic Copy of Florida Statutes Chapter 106 – Campaign Financing
24. Electronic Copy of the Government-In-The-Sunshine Manual
25. Electronic Copy of the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees

Signature of Candidate

Date

Print Full Name

Updated 7/8/2025

1



Town of Melbourne Beach

Candidate Checklist

November 3, 2026 Election

Candidate qualifying period August 10 – August 14, 2026

Candidate's Name: _____

Email: _____

Phone Number: _____

- ☐ Registered voter in the Town of Melbourne Beach
- ☐ Resident for twelve consecutive months prior to the qualifying date

Numbers one through six may be submitted before the candidate qualifying dates begin. Numbers seven and eight need to be filed during the candidate qualifying dates.

This column is for
the Town Clerk

Execute and file all forms with the Town Clerk

- _____ 1. File DS-DE 9 Appointment of Campaign Treasurer & Designation of Campaign Depository. This **MUST** be filed before opening a campaign account.
- _____ 2. File DS-DE 84 Statement of Candidate **within 10 days** after filing the DS-DE9
- _____ 3. File Town of Melbourne Beach Loyalty Oath. **MUST** be filed prior to getting signatures.
- _____ 4. File TMB-02 Willingness to Serve Statement
- _____ 5. File DS-DE 302NP Candidate Oath – Non-Partisan Office
- _____ 6. Sign Candidate Forms & Information Receipt
-
- _____ 7. File TMB-01 Nominating Petitions with 25 Signatures of Melbourne Beach registered voters with a check from the campaign checking account
- ☐ Mayor Candidate - \$40.00
- _____ 8. File a copy of the Form 1 Financial Interests Form

Note: The Town Clerk is not authorized to interpret election law.

Updated 05/04/2026

1

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the filing officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☐ Initial Filing of Form ☐ Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last):
(Please Print or Type Name)

3. Address (include PO Box or Street, City, State, Zip Code):

4. Telephone:

()

5. Candidate's Voter Registration #:

_____ (not required for qualifying purposes)

6. Email Address:

7. Office Sought (include district, circuit, group, or seat #):

8. If a candidate for a nonpartisan office, check the box if applicable:

☐ I intend to run as a Write-In Candidate.

9. If a candidate for partisan office, check the box and fill in the name of the party as applicable: I intend to run as a

☐ Write-In Candidate. ☐ No Party Affiliation Candidate. ☐ _____ Party candidate.

10. I have appointed the following person to act as my: ☐ Campaign Treasurer ☐ Deputy Treasurer

11. Name of Treasurer or Deputy Treasurer:

12. Telephone:

()

13. Email Address:

14. Mailing Address:

15. City:

16. State:

17. Zip Code:

18. I have designated the following bank as my (check appropriate box): ☐ Primary Depository ☐ Secondary Depository

19. Name of Bank:

20. Address:

21. City:

22. County:

23. State:

24. Zip Code:

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR THE APPOINTMENT OF THE CAMPAIGN TREASURER AND DESIGNATION OF THE CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date:

26. Signature of Candidate:

X

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate box)

I, _____ do hereby accept the appointment designated above as:
(Please Print or Type Name)

☐ Campaign Treasurer.

☐ Deputy Treasurer.

28. Date:

29. Signature of Campaign Treasurer or Deputy Treasurer

X



Town of Melbourne Beach

Willingness to Serve Statement

Ref: Town Charter Section 2.02

"I am a candidate for the Office of Mayor for a term of three (3) years for the Town of Melbourne Beach, Florida in the Municipal General Election to be held on Tuesday, November 3, 2026."

"I am a qualified elector in the Town of Melbourne Beach, Florida and I have resided in the Town for at least twelve (12) continuous months immediately prior to the date of qualifying for this office."

"I agree to serve if elected."

Printed Name

Office sought

Home Address

Email Address

Occupation

"Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true."

Dated this ____ day of _____, 20____

Signature of Candidate

STATE OF FLORIDA
COUNTY OF BREVARD

Sworn to and subscribed before me by means of ____ physical presence or ____ online notarization,
this ____ day of _____, 20____, by _____

(Notary Seal)

Signature of Notary Public

Name of Notary

Personally known ____ OR Produced Identification ____

Type of Identification Produced _____

Updated 5/4/2026

1

STATEMENT OF CANDIDATE

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

I, _____,

candidate for the office of _____;

have been provided access to read and understand the requirements of Chapter 106, Florida Statutes.

I swear or affirm that I meet, or will meet at the time of election for the office sought or at the time of assuming the office, as applicable, all statutory and constitutional qualifications for the office sought.

Signature of Candidate

Date

STATE OF FLORIDA

COUNTY OF _____

Signature of Officer Administering Oath

Affix Seal Below or, if judge, provide name, title, and court (s. 92.50, F.S.)

Sworn to (or affirmed) and subscribed before me by means of

online notarization ☐ OR physical presence ☐

this _____ day of _____, 20____.

Personally Known ☐ OR Produced Identification ☐ Type of Identification Produced: _____

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



Town of Melbourne Beach

Loyalty Oath

I, _____, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the Town of Melbourne Beach and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Signature

STATE OF FLORIDA
COUNTY OF BREVARD

Sworn to and subscribed before me by means of _____ physical presence or _____ online notarization, this _____ day of _____, 20____, by _____

(Notary Seal)

Signature of Notary Public

Name of Notary

Personally known____ OR Produced Identification____

Type of Identification Produced_____



Town of Melbourne Beach

Election Information

General Election - Tuesday, November 3, 2026

Offices Open/Term of Office – One (1) Mayor for a three (3) year term, expiring November 2029. Pursuant to *Town Charter Section 2.03*, elected candidates shall take office at the beginning of the next Regular Town Commission meeting following the municipal election at which they were elected, which will be held on ***Wednesday, November 18, 2026 at 6:00 p.m. in the Community Center.***

Qualifications – Candidates for Town Commission shall have been residents of the Town for at least twelve (12) continuous months immediately prior to the date of qualification for office and shall have the qualifications of a Town Elector (18 years of age and a registered voter).

Qualifying Period - Monday, August 10, 2026, at 12:00 p.m. (noon) through Friday, August 14, 2026, at 12:00 p.m. (noon). Candidates shall file all qualifying papers and fees with the Town Clerk by the deadline date.

Campaign Account - A candidate may announce their candidacy prior to the official qualifying period. However, candidates shall not open a campaign account or collect/disburse any funds until the candidate has named a treasurer and depository and filed the appropriate forms with the Town Clerk. The DS-DE9 Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates is the first document a candidate must file. Designating a campaign depository does not mean the account is open; it only names the financial institution in which your campaign funds are to be deposited. Once you establish your campaign account, you **must** begin filing the campaign treasurer reports as noted on the Campaign Treasurer's Reporting Schedule. The campaign treasurer or deputy campaign treasurer **must be** a registered voter in Florida. A candidate may appoint him/herself as campaign treasurer or deputy treasurer.

Publications – Paper copies of the Candidate and Campaign Treasurer Handbook, Chapter 106 Florida Statutes on Campaign Financing, Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees, Town Charter, and Town Election Codes **will not be provided to candidates**. It is the **responsibility of the candidate** to access these publications via the Internet and read them. As a candidate, you are responsible for comprehending Chapter 106, Florida Statutes relating to campaign financing and reporting. State law requires candidates for municipal office to comply with state regulations and accounting instructions for candidates and committees as set forth in Florida Statutes.

Candidate and Campaign Treasurer Handbook

<https://files.floridados.gov/media/707529/candidate-and-campaign-treasurer-handbook-2024-ad-edit-12324-pdf.pdf> [currently being updated by the state]

Chapter 106, Florida Statutes on Campaign Financing

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0106/0106.html

Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees

<https://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf>

Town Charter & Chapter 13: Election Laws

<https://codelibrary.amlegal.com/codes/melbournebeach/latest/overview>

Additional valuable election information is available from:

The Florida Division of Elections Website at: <https://dos.fl.gov/elections>

Brevard County Supervisor of Elections Website at: <https://www.votebrevard.gov/>

Contact Information

Town of Melbourne Beach

Cyd Jones, Deputy Town Clerk
507 Ocean Ave
Melbourne Beach, FL 32951
Phone Number: 321-724-5860
Fax Number: 321-984-8994
Email: townclerk@melbournebeachfl.org

Brevard County Supervisor of Elections

Tim Bobanic, Supervisor of Elections
www.votebrevard.gov
Phone Number: 321-290-8683
Fax Number: 321-633-2130

Notice of Logic and Accuracy Test – The Supervisor of Elections Office is required to conduct a pre-election test of the automatic tabulating equipment to ascertain that the equipment will correctly count the votes cast. Updated information regarding the date, time, and location for logic and accuracy testing can be found on the Supervisor of Elections website www.votebrevard.gov

Qualifying Fee/State Assessment - *Florida Statutes* require an assessment of one percent (1%) of the annual salary of the office being sought. This assessment is deposited into the Elections Commission Trust Fund.

- Mayor's annual salary is \$3,000, which equates to a \$30 assessment.
- The filing fee shall be \$10.00.

The total amount due is \$40.00 for Mayor. The Filing/Assessment fees must be paid by check, drawn on the campaign account, and paid at the time of qualifying.

Nominating Petitions - Every candidate for elective town office shall file with the Town Clerk a petition signed by not less than 25 qualified electors of the town requesting the Town Commission to place the name of such candidate upon the official ballot. We recommend that you collect extra signatures in the event some citizens are not qualified. Qualified electors are not to sign more than one petition.

No signatures may be collected on any nominating petitions prior to filing the Appointment of Campaign Treasurer & Designation of Campaign Depository form (DS-DE 9), and the Loyalty Oath with the Town Clerk.

Thank you for your interest in the election process. If you have any questions concerning your intent to qualify, please call me at (321) 724-5860.

Warmest Regards,

Cyd Jones
Deputy Town Clerk



Town of Melbourne Beach

Form 1

To qualify as a candidate for the Town Commission, you will need to electronically file a Form 1 – Statement of Financial Interests for the previous year with the Florida Commission on Ethics.

To fill out the information for Form 1, please copy and paste the link below into your browser:

<https://disclosure.floridaethics.gov/Account/Login>

For non-incumbent candidates, select I am a Candidate and complete the form.

For incumbent candidates who have already submitted their yearly filing requirement, you do not need to resubmit the form. Instead, provide a copy of the form/receipt from your yearly filing.

For incumbent candidates who have not submitted their yearly filing requirement, select I am a filer and complete the form.

For all candidates, during the qualifying period, provide a copy of the form or receipt to the Town Clerk's office.

If you have questions on how to fill out the information required, please contact your financial advisor.

If you have questions about accessing the portal, contact the Florida Commission on Ethics at 850-488-7864.

2025 Form 1 - Statement of Financial Interests

General Information

Name: DISCLOSURE FILER

Address: SAMPLE ADDRESS

County: SAMPLE COUNTY

PID SAMPLE

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Disclosure Period

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2025.

Primary Sources of Income

PRIMARY SOURCE OF INCOME (Over \$2,500) (Major sources of income to the reporting person)
(If you have nothing to report, write "none" or "n/a")

Name of Source of Income	Source's Address	Description of the Source's Principal Business Activity

2025 Form 1 - Statement of Financial Interests

Secondary Sources of Income

SECONDARY SOURCES OF INCOME (Major customers, clients, and other sources of income to businesses owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

Real Property

REAL PROPERTY (Land, buildings owned by the reporting person)
(If you have nothing to report, write "none" or "n/a")

Location/Description

Intangible Personal Property

INTANGIBLE PERSONAL PROPERTY (Stocks, bonds, certificates of deposit, etc. over \$10,000)
(If you have nothing to report, write "none" or "n/a")

Type of Intangible	Business Entity to Which the Property Relates

2025 Form 1 - Statement of Financial Interests

Liabilities

LIABILITIES (Major debts valued over \$10,000):
(If you have nothing to report, write "none" or "n/a")

Name of Creditor	Address of Creditor

Interests in Specified Businesses

INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses)
(If you have nothing to report, write "none" or "n/a")

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

2025 Form 1 - Statement of Financial Interests

Signature of Filer

Digitally signed:

Filed with COE:

E-FILING SAMPLE



Town of Melbourne Beach, Florida
Candidate Nomination Petition

We, the undersigned qualified electors of the Town of Melbourne Beach, Florida, hereby request that the name _____
be placed on the November 3, 2026, Official Municipal Election Ballot for

___ Office of Mayor for a three (3) year term to expire November 2029

We further certify that we have not signed the petition of any other candidate for this particular office for this election.

Instructions for Signers: The person(s) signing this petition must: (1) be a Melbourne Beach, Florida resident and registered voter; (2) sign legal name as it appears on the Melbourne Beach voting list (no nicknames allowed); (3) print date of signing; (4) print actual street address (no P.O. Boxes allowed); (5) print date of birth or voter registration number listed on voter card; (6) **Legibly** print legal name as it appears on the Melbourne Beach voting list; (7) **NOT** sign another person's name; (8) **NOT** sign for another candidate running for the same office. Signers understand that the Town Clerk cannot certify the name of a voter that cannot be read due to illegible writing.

	Signature	Date Signed	Actual Street Address; (Not a P.O. Box) Include Town, State, Zip	Date of Birth or Voter Registration #	Print Full Legal Name First & Last Name
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					



Town of Melbourne Beach, Florida
Candidate Nomination Petition

17

We, the undersigned qualified electors of the Town of Melbourne Beach, Florida, hereby request that the name _____
be placed on the November 3, 2026, Official Municipal Election Ballot for

___ Office of Mayor for a three (3) year term to expire November 2029

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	Signature	Date Signed	Actual Street Address; (Not a P.O. Box) Include Town, State, Zip	Date of Birth or Voter Registration #	Print Full Legal Name First & Last Name
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					



Town of Melbourne Beach, Florida
Candidate Nomination Petition

We, the undersigned qualified electors of the Town of Melbourne Beach, Florida, hereby request that the name _____
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	Signature	Date Signed	Actual Street Address; (Not a P.O. Box) Include Town, State, Zip	Date of Birth or Voter Registration #	Print Full Legal Name First & Last Name
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					



Town of Melbourne Beach, Florida
Candidate Nomination Petition

We, the undersigned qualified electors of the Town of Melbourne Beach, Florida, hereby request that the name _____
be placed on the November 3, 2026, Official Municipal Election Ballot for

___ Office of Mayor for a three (3) year term to expire November 2029

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	Signature	Date Signed	Actual Street Address; (Not a P.O. Box) Include Town, State, Zip	Date of Birth or Voter Registration #	Print Full Legal Name First & Last Name
25.					
26.					
27.					
28.					
29.					
30.					
31.					
32.					

Town Clerk's Certification

Municipality: Melbourne Beach, Florida

Total Valid: _____

Total Invalid: _____

I hereby certify that the names of all the petitioners listed as valid appear on the Melbourne Beach, Florida voting list as a qualified voter, and that the candidate filed the petition during the qualifying period.

Signature _____
Cyd Jones, Deputy Town Clerk

Date _____

CANDIDATE OATH NONPARTISAN OFFICE

(Do not use this form if a Judicial or School Board Candidate)
Check box **only** if you are seeking to qualify as a write-in candidate:

☐ Write-in Candidate

OFFICE USE ONLY

Name to appear on ballot: _____

☐ Check box if there are two last names without hyphen. (Name cannot be changed after qualifying.)

☐ Check box if name includes nickname. (To use nickname, you must complete the Affidavit of Nickname on page 2 of this form.)

I swear or affirm that I am a candidate for the nonpartisan office of _____,
(Office)

_____, _____, _____; I am a qualified elector of _____ County, Florida;
(District #) (Circuit #) (Group or Seat #)

I am a qualified elector under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

I swear or affirm, in addition to being a citizen of the United States, that: (Check applicable box.)

☐ I am not a citizen of another country. ☐ I am a citizen of another country, specifically _____.

Statement of Legal Name Change: I have not legally changed my name through a petition pursuant to s. 68.07, F.S., during the 365-day period preceding the beginning of qualifying. (This does not apply to any change of name in proceedings for dissolution of marriage or adoption of children or based on a change of name conducted with a marriage certificate.)

Statement of Outstanding Fines, Fees, or Penalties: (Check applicable box. If you do owe more than \$250, you must also specify the amount owed and each entity that levied the same on page 2 of this form.)

I do not ☐ / I do ☐ owe outstanding fines, fees, or penalties that cumulatively exceed \$250, for any violations of s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees under part III of chapter 112, any local ethics ordinance governing standards of conduct and disclosure requirements, or chapter 106. (s. 99.021(1)(d), F.S.)

()

Signature of Candidate

Telephone Number

Email Address

Address of Legal Residence

City

State

ZIP Code

STATE OF FLORIDA

COUNTY OF _____

Signature of Officer Administering Oath

Affix Seal Below or, if judge, provide name, title, and court (s. 92.50, F.S.)

Sworn to (or affirmed) and subscribed before me by means of

online notarization ☐ OR physical presence ☐

this _____ day of _____, 20_____.

Type of Identification Produced: _____

Phonetic Spelling of Name

(Not required for qualifying)

Print the name phonetically on the line below as you wish your name to be pronounced on the audio ballot that may be used by persons with disabilities (see attached Guide for Phonetic Spelling).

Detailed Statement of Outstanding Fines, Fees, or Penalties

(Continued)

Amount	Entity

Affidavit of Nickname

(Only required if using nickname for the ballot)

My legal name is _____. I am over the age of eighteen (18) and the contents of this affidavit are true and correct.

My nickname is _____. I am generally known by this nickname or have used it as part of my legal name. I have not created the nickname to mislead voters. My nickname does not imply I am some other person, constitute a political slogan or otherwise associate me with a cause or issue, or that is obscene or profane.

Signature of Candidate: _____

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of
online notarization ☐ OR physical presence ☐
this _____ day of _____, 20_____.

Type of Identification Produced: _____

Signature of Officer Administering Oath

Affix Seal Below or, if judge, provide name, title, and court (s. 92.50, F.S.)

Guide for Printing Phonetic Spelling of Candidate's Name for Audio Ballot

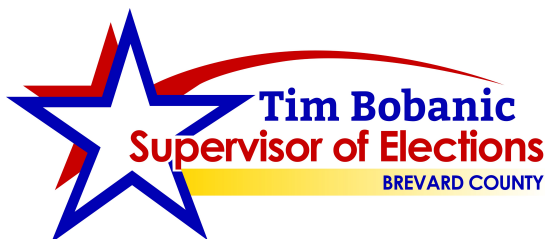
(Do not submit this page to the filing officer)

1. Use the tables below for Phonetic Spelling of Candidate's Name on page 2 of Form.
2. Use upper case for "stressed" syllables. Use lowercase for "unstressed" syllables.
3. Use dashes (-) to separate syllables.
4. Add any notes such as rhyming examples, silent letters, etc.

Vowels			
Stressed Vowel Sounds		Unstressed Vowel Sounds	
EE	(FEET) feet	uh	(SO-fuh) sofa (FING-guhr) finger
I	(FIT) fit		
E	(BED) bed		
A	(KAT) cat (KAD) cad		
AH	(FAH-thur) father (PAHR) par		
AH	(HAHT) hot (TAH-dee) toddy		
UH	(FUHJ) fudge (FLUHD) flood		
UH	(CHUHRCH) church		
AW	(FAWN) fawn	Certain Vowel Sounds with R	
U	(FUL) full	AHR	(PAHR) par
OO	(FOOD) food	ER	(PER) pair
OU	(FOUND) found	IR	(PIR) peer
O	(FO) foe	OR	(POR) pour
EI	(FEIT) fight	OOR	(POOR) poor
AI	(FAIT) fate	UHR	(PUHR) purr
OI	(FOIL) foil		
YOO	(FYOOR-ee-uhs) furious		

Consonants			
B	(BED) bed	R	(RED) red
D	(DET) debt	S	(SET) set
F	(FED) fed	T	(TEN) ten
G	(GET) get	V	(VET) vet
H	(HED) head	Y	(YET) yet
HW	(WHICH) which	W	(WICH) witch
J	(JUHG) jug	CH	(CHUHRCH) church
K	(KAD) cad	SH	(SHEEP) sheep
L	(LAIM) lame	TS	(ITS) its
M	(MAT) mat	TH	(THEI) thigh
N	(NET) net	TH	(THEI) thy
NG	(SING-uh) singer	ZH	(A-zuhr) azure (VI-zuhn) vision
P	(PET) pet	Z	(GOODZ) goods

Examples of Phonetically Spelled Names	
Name on Ballot	Pronounced As
Mishaud	mee-SHO ('d' is silent)
Jahn	HAHN (rhyme: fawn)
Beauprez	boo-PRAI (rhyme: hooray)
Maniscalco	man-uh-SKAL-ko
Tangipahoa	TAN-ji-pah-HO-uh
Monte	Mahn-TAI
Tanya	TAWN-yuh (not TAN)
Pittsfield	PITS-feeld
Hubbardston	HUH-buhz-tuhn



AFFIDAVIT FOR USE OF NICKNAME

STATE OF FLORIDA COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared _____,
who being first duly sworn or placed under affirmation, says:

1. My legal name is _____.

I am over the age of eighteen (18) and the contents of this affidavit are true and correct.

2. I am a candidate for the office of _____.

3. My nickname is _____.

I am generally known by this nickname or have used it as part of my legal name. I have not created the nickname to mislead voters. I plan to designate this nickname on my candidate oath as the name I wish to have printed on the ballot when I submit the candidate oath form during the qualifying period for the above office.

4. Attached are _____ documents that show that my nickname is one by which I am generally known or is one that I have used as a part of my legal name:

_____ Signature of Affiant

_____ Printed/Typed Name of Affiant

Sworn to (or affirmed) and subscribed before me by physical _____ or online _____ presence this
_____ day of _____ 20_____.

_____ Signature of Notary Public

_____ Printed Name

- ☐ Personally known or
☐ Produced Identification

Type of Identification Produced _____



Town of Melbourne Beach

2026 Reporting Dates for Campaign Treasurer Reports

The qualifying period for the 2026 Election starts at
Noon on August 10, 2026 and ends at Noon on August 14, 2026

Election Reports:		
General Election, Tuesday, November 3, 2026		
<u>Due Date</u>	<u>Period Covered</u>	<u>Report Code</u>
04/10/2026	01/01/2026 – 03/31/2026	2026 Q1
06/10/2026	04/01/2026 – 05/31/2026	2026 Q2
06/19/2026	06/01/2026 – 06/12/2026	2026 P1
07/03/2026	06/13/2026 – 06/26/2026	2026 P2
07/17/2026	06/27/2026 – 07/10/2026	2026 P3
07/24/2026	07/11/2026 – 07/17/2026	2026 P4
07/31/2026	07/18/2026 – 07/24/2026	2026 P5
08/07/2026	07/25/2026 – 07/31/2026	2026 P6
08/14/2026	08/01/2026 – 08/13/2026	2026 P7
08/28/2026	08/14/2026 – 08/21/2026	2026 G1
09/11/2026	08/22/2026 – 09/04/2026	2026 G2
09/25/2026	09/05/2026 – 09/18/2026	2026 G3
10/09/2026	09/19/2026 – 10/02/2026	2026 G4
10/23/2026	10/03/2026 – 10/16/2026	2026 G5
10/30/2026	10/17/2026 – 10/29/2026	2026 G6
NO FURTHER CONTRIBUTIONS FOR CANDIDATES AFTER MIDNIGHT OCTOBER 29, 2026		

Each candidate, within 90 days after becoming unopposed, withdrawing his/her candidacy, being eliminated, or being elected to office, shall dispose of funds in his/her campaign account and file a termination report. **If there is no opposition at the end of the Qualifying Period, the due date for the Termination Report (TR) is November 12, 2026 (90 days after qualifying ends).**

Each candidate with opposition must file the Final Campaign Treasurer's Reports (TR) on or by February 1, 2027 (90 days after the election).

Reports must be filed with the City Clerk by 5 p.m. on the due date. A report postmarked by the U. S. Postal Service no later than midnight of the day designated is considered a timely report. A report received by the filing officer within five days after the designated due date that was delivered by the U. S. Postal Service is considered timely filed unless it has a postmark indicating the report was mailed after the designated due date.

Waiver of Reports – In any reporting period where there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed (Section 106.07(7), F.S.) Please use form DS-DE 87



Town of Melbourne Beach

(Waiver of Report) and ensure it is turned in no later than 5 p.m. on the due date. A Waiver of Report cannot be used for the 90-day Termination Report.

Late reports are subject to a fine of \$50 per day for the first three days and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

For the termination report, the fine is \$50 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Fines must be paid from a candidate's personal funds and are due within 20 days of being assessed.

NOTE: The Town Clerk cannot waive any fine or penalty.

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) _____
Name

(2) _____
Address (number and street)

City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY

(3) ID Number: _____

(4) Check appropriate box(es):

☐ Candidate Office Sought: _____

☐ Political Committee (PC)

☐ Electioneering Communications Org. (ECO)

☐ Party Executive Committee (PTY)

☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From ____ / ____ / ____ To ____ / ____ / ____ Report Type: _____

☐ Original

☐ Amendment

☐ Special Election Report

(6) Contributions This Report

Cash & Checks \$ ____ , ____ , ____ . ____

Loans \$ ____ , ____ , ____ . ____

Total Monetary \$ ____ , ____ , ____ . ____

In-Kind \$ ____ , ____ , ____ . ____

(7) Expenditures This Report

Monetary Expenditures \$ ____ , ____ , ____ . ____

Transfers to Office Account \$ ____ , ____ , ____ . ____

Total Monetary \$ ____ , ____ , ____ . ____

(8) Other Distributions

\$ ____ , ____ , ____ . ____

(9) TOTAL Monetary Contributions To Date

\$ ____ , ____ , ____ . ____

(10) TOTAL Monetary Expenditures To Date

\$ ____ , ____ , ____ . ____

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name) _____

☐ Individual (only for IE or electioneering comm.) ☐ Treasurer ☐ Deputy Treasurer

X _____

Signature

(Type name) _____

☐ Candidate ☐ Chairperson (only for PC and PTY)

X _____

Signature

Instructions for Campaign Treasurer's Report Summary	
(1)	Name: full name of the candidate, political committee, party executive committee, electioneering communications organization, or individual making an independent expenditure or electioneering communication.
(2)	Address: the full address or post office box, city, state, and zip code. ☐ Check the box if the address has changed since the last report filed.
(3)	ID Number: identification number assigned by the filing officer.
(4)	Check the appropriate box(es).
(5)	Report Identifiers Cover Period: the dates this report covers (i.e., From <u>1/1/15</u> To <u>1/31/55</u>). Important: use the appropriate cover period dates as published by the filing officer. Report Type: refer to the filing officer's calendar of reporting dates for the correct codes to be used for each reporting period. If report is for a special election add "S" in front of the report code (i.e., <u>SG3</u>). Check one of the appropriate boxes: ☐ Original: first report filed for this reporting period. ☐ Amendment: must summarize only contributions/fund transfers and expenditures/distributions being reported as additions or deletions. Read instructions for sequence numbers and amendment types on the back of Forms DS-DE 13A and 14A. ☐ Special Election Report: Important: once a special election report is filed, the entity is required to file all remaining reports due for the special election.
(6)	Contributions This Report: Cash and Checks: total amount for this reporting period. Loans: total amount for this reporting period. Total Monetary: sum of Cash and Checks and Loans. In-Kind: the fair market value of the in-kind contribution at the time it is given for this reporting period.
(7)	Expenditures This Report: Monetary Expenditures: total amount of monetary expenditures for this reporting period. Transfers to Office Account: total amount transferred to an office account by <u>elected</u> candidates only. Total Monetary: sum of Monetary Expenditures and Transfers to Office Account.
(8)	Other Distributions: the total amount of goods and services contributed to a candidate or other committee by a PC, ECO, or PTY.
(9)	TOTAL Monetary Contributions To Date: the amount of total monetary contributions to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.
(10)	TOTAL Monetary Expenditures To Date: the amount of total monetary expenditures to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.
(11)	Type or print the required officer's name and have them sign the report: ☐ Candidate report: treasurer and candidate must sign. ☐ PC report: treasurer and chairperson must sign. ☐ PTY report: treasurer and chairperson must sign. ☐ ECO report: organization's treasurer must sign. ☐ IE or EC report: individual must sign (this applies when an individual acts alone to make these expenditures)
AMENDMENT REPORTS: An amendment report summary should summarize only contributions, expenditures, distributions, & fund transfers being reported as additions or deletions. Read the instructions for the sequence number & amendment type fields on the back of forms DS-DE 13, 14, 14A and 94.	

(1) Name _____ (2) I.D. Number _____

(3) Cover Period ____ / ____ / ____ through ____ / ____ / ____ (4) Page ____ of ____

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description		
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

- (1) Candidate's full name or name of the political committee (PC), electioneering communications organizations (ECO) or party executive committee (PTY).
- (2) The identification number assigned by the filing officer.
- (3) Cover period dates (e.g., 1/1/15 through 1/31/15). (See filing officer's reporting dates calendar for appropriate year and cover periods.)
- (4) Page numbers (e.g., 1 of 3).
- (5) Date contribution was RECEIVED (Month/Day/Year).
- (6) **Sequence Number** – Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the filing officer and for reporting amendments.
For example, a M1 report having 75 contributions would use sequence numbers 1 through 75. The next report (M2), comprised of 40 contributions would use sequence numbers 1 through 40. Contributions on amended M1 reports would begin with sequence number 76 and on amended M2 reports would begin with sequence number 41. See the *Amendment Type* instructions below.
- (7) Type full name and address of contributor (including city, state and zip code).
- (8) Enter the type of contributor using one of the following codes:
Occupation of contributor for **contributions over \$100 only**. (If a business, please indicate nature of business.)

I	Individual	
B	Business	(also includes corporations, organizations, groups, etc.)
E	Electioneering Communications Organizations	
F	Political Committee	(federal or state)
P	Political Parties	(includes federal, state and county executive committees)
O	Other	(e.g., candidate surplus funds to party, etc.)
S	Candidate to Self	

- (9) Enter Contribution Type using one of the following codes:
NOTE: Cash includes cash and cashier's checks.

Code	Description
CAS	Cash or Cashier's Check
CHE	Check
COF	Carryover Funds from Previous Campaign
INK	In-Kind
INT	Interest
LOA	Loan
MO	Money Order
MUC	Multiple Uniform Contributions
RCT	Other Receipts
REF	Refund (Negative Amount Only)

- (10) Type the description of any in-kind contribution received.
Candidate's Only – If in-kind contribution is from a party executive committee and is allocable toward the contribution limits, type an "A" in this box. If contribution is not allocable, type an "N".
- (11) **Amendment Type** (required on amended reports) – To add a new (previously unreported) contribution for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.
 The sequence number for contributions with amendment type "ADD" will start at one plus the number of contributions in the original report. For example, amending an original M1 report that had 75 contributions means the sequence number of the first contribution having amendment type "ADD" will be 76; the second "ADD" contribution would be 77, etc. When amending an original M2 report that had 40 contributions, the sixth "ADD" contribution would have sequence number 46.
 To correct a previously submitted contribution use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the contribution to be corrected. In combination with the report number being amended, this sequence number will identify the contribution to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.
- (12) Type amount of contribution received. **Political Committees ONLY**: Multiple uniform contributions from the same person, aggregating NMT \$250 per calendar year, collected by an organization that is the affiliated sponsor of a PC, may be reported by the PC in an aggregate amount listing the number of contributors together with the amount contributed by each and the total amount contributed during the reporting period. The identity of each person making such uniform contribution must be reported to the filing officer by July 1 of each calendar year, or, in a general election year, NLT the 60th day immediately preceding the primary election.

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name _____

(2) I.D. Number _____

(3) Cover Period ____/____/____ through ____/____/____

(4) Page _____ of _____

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

- (1) Candidate's full name or name of the political committee (PC), electioneering communications organization (ECO), or party executive committee (PTY).
- (2) Identification number assigned by the filing officer.
- (3) Cover period dates (01/01/15 through 01/31/15). (See filing officer's reporting dates calendar for appropriate cover periods.)
- (4) Page numbers (e.g., 1 of 3).
- (5) Date of expenditure (Month/Day/Year).
- (6) **Sequence Number** - Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the filing officer and for reporting requirements.

For example, a M1 report having 40 expenditures would use sequence numbers 1 through 40. The next report (M2), comprised of 30 expenditures would use sequence numbers 1 through 30. Expenditures on amended M1 reports would begin with sequence number 41 and on amended M2 reports would begin with sequence number 31. See *Amendment Type* instructions below.
- (7) Full name and address of entity receiving payment (including city, state and zip code).
- (8) Purpose of expenditure (if expenditure is a contribution to a candidate, also type the office sought by the candidate). **PLEASE NOTE:** This column does not apply to candidate expenditures, as candidates cannot contribute to other candidates from campaign funds. However, PCs (supporting candidates) and party executive committees contributing to candidates must report office sought (Section 106.07, F.S.).
- (9) Enter Expenditure Type using one of the following codes:

Code	Description
CAN	Candidate Expense
DIS	Disposition of Funds
DFC	Disposition of Funds to Future Campaign (effective 11/1/13)
DPP	Disposition of Funds to Political Party (effective 11/1/13)
DPV	Disposition of Funds to Petition Verification (effective 11/1/13)
ECC	Electioneering Communication
IEC	Independent Expenditure Regarding a Candidate
IEI	Independent Expenditure Regarding an Issue
MON	Monetary (Not to a Candidate)
PCW	Petty Cash Withdrawn
PCS	Petty Cash Spent
PPD	Pre-paid Distribution
REF	Refund (Negative Amount Only)
RMB	Reimbursements
TOA	Transfer to Office Account (Disposition of Funds)

- (10) **Amendment Type** (required on amended reports) - To add a new (previously unreported) expenditure for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.

The sequence number for expenditures with amendment type "ADD" will start at one plus the number of expenditures in the original report. For example, amending an original M1 reports that had 75 expenditures, means the sequence number of the first expenditure having amendment type "ADD" will be 76; the second "ADD" expenditure would have sequence number 39.

To correct a previously submitted expenditure use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the expenditure to be corrected. In combination with the report number being amended, this sequence number will identify the expenditure to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.

(11) Amount of expenditure.

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

Name

Office Sought

Address

City

State

Zip Code

☐ Candidate☐ Political Committee☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

☐ Check here if address has changed since last report.☐ Check here if PC has DISBANDED and will no longer file reports.**TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)**☐ QUARTERLY REPORT☐ PRIMARY ELECTION☐ GENERAL ELECTION☐ OTHER REPORT TYPE

Indicate report #

Q _____

Indicate report #

P _____

Indicate report #

G _____

Indicate report type and #
as applicable:

☐ TERMINATION REPORT☐ SPECIAL ELECTION**NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF**

THROUGH

X

Signature

Date

X

Signature

Date

REQUIRED SIGNATURES FOR:**Candidates:**

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:

Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

ARTICLE II. TOWN COMMISSION.

Sec. 2.01. GENERAL POWERS AND DUTIES.

All powers of the Town shall be vested in an elected Commission, except as otherwise provided by law or by this Charter. The Commission shall provide for the exercise by the Town of its municipal powers and for the performance of all duties and obligations imposed on the Town by law.

(Adopted by electorate 11-6-73)

Sec. 2.02. COMPOSITION AND QUALIFICATIONS.

The Commission shall consist of five (5) members elected by the qualified voters of the Town as hereinafter provided. Members of the Town Commission shall have been residents of the Town for at least six (6) months prior to the date of qualification for office, and shall have the qualifications of a Town Elector. The Commission shall consist of five (5) Commissioners: The Mayor elected as such, and four (4) Commissioners-at-Large.

The office of Commission member shall be forfeited whenever a member is finally convicted of a felony or a crime involving moral turpitude. When a member files for election to or accepts any other elective public office, he shall submit his resignation. This resignation shall be effective when his former office is filled or when he accepts an elective office, whichever comes first.

Any qualified elector of the Town who meets the foregoing qualifications may qualify for a Commission seat by presenting to the Town Clerk a petition signed by twenty-five (25) qualified Town electors, and by paying a filing fee, during the qualifying period as established from time to time in the town code of ordinances, and said elector shall submit concurrently therewith a sworn statement of his or her name, address, occupation, and willingness to serve if elected. Until otherwise provided by Town ordinance, the filing fee shall be ten dollars (\$10.00).

The Commission shall be the judge of the qualifications of the candidates for election to the Commission, and for such purpose shall have the powers to subpoena witnesses and require the production of evidence, but the decision of the Commission in any such case shall be subject to review by the courts.

Each person seeking to qualify for election to office as a write-in candidate shall certify under oath to the Town Clerk during the qualifying period as established from time to time in the town code of ordinances the following information:

Name, address, that he possessed all of the qualifications required by law for the office, the name of the office he seeks, and that he will accept the office.

Failure to qualify as a write-in candidate shall mean that any write-in votes cast for such person shall not be counted.

At the time of certifying under oath the above information, a write-in candidate shall be considered a candidate except that he shall not be entitled to have his name printed on the ballot.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-4-86; Ordinance 2001-01, passed 9-19-01)

Sec. 2.03. TERM OF OFFICE.

(a) Elected Commissioners shall take office at the beginning of the next official meeting following the municipal election at which they were elected. They shall hold office for a term of three (3) years, or until their successors are elected and qualified, unless:

(1) The individual has been appointed or elected to fulfill the term of a Commissioner-at-Large who has been removed from office other than by means of recall, forfeited the office of Commissioner-at-Large, resigned, or the office has become vacant due to the death of a Commissioner-at-Large. In such event, a successor Commissioner-at-Large shall assume office in the manner set forth in Section 2.04. in this Charter.

(2) The individual has been elected to fulfill the term of a Commissioner-at-Large who has been recalled from said office by the electorate. In such event a newly elected Commissioner-at-Large who is replacing a Commissioner-at-Large recalled from office shall serve a term equal in time to what would have otherwise been the time remaining in the term of the recalled Commissioner-at-Large's term; or

(3) The individual is elected to fill a term otherwise consistent with this Charter.

(b) Neither a commission member or the mayor may qualify for or serve more than two (2) complete consecutive terms and the portion of an unexpired term occurring by reason of a vacancy. Notwithstanding the foregoing, an elected city official, such as a commissioner, who has served the maximum time in office as permitted by this paragraph, may qualify for and be elected to serve in a different city elected office, such as mayor. Further, a commissioner or the mayor who has served the maximum amount of time permitted by this sub-section may again serve on the commission subject to the time and term limitations of this sub-section; provided, that the official has not served on the commission for at least one (1) year (three hundred sixty-five (365) days = one (1) year). Any city elected official who resigns within one (1) year (three hundred sixty-five (365) days = one (1) year) before the end of the second consecutive term of office shall be prohibited from qualifying as a candidate for a commission seat in the next regular city election. This paragraph shall be applicable to any commission member or the mayor who, subsequent to the election held on November 2, 2004, has served for two (2) complete consecutive terms and which terms have been served in full after November 2, 2004.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-4-86; Amendment adopted by electorate 11-7-89; Amendment adopted by electorate 11-2-04)

Sec. 2.04. VACANCIES ON THE COMMISSION.

A vacancy shall occur upon the death, resignation, removal from office (other than by recall) as authorized by law, or forfeiture of office of a Commission member. When such a vacancy occurs, other than that of Mayor, the remaining Commission members may select, by the affirmative vote of not less than a majority of the remaining membership, a person to fill the vacancy. Such an appointed person shall be a qualified elector in the Town, as specified in this Charter, and shall serve until the next general municipal election, at which time a candidate will be elected to serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant.

In the event the office of Mayor is vacated, the Vice-Mayor assumes the position until the next general municipal election, at which time a candidate will be elected to serve for the remainder of the Mayor's unexpired term, and a person is appointed or elected to fill the office of Commissioner-at-Large held by the Vice-Mayor, all in accordance with the criteria and procedures herein provided. Said individual succeeding to the position of Commissioner-at-Large, formerly held by the Vice-Mayor, shall hold office only until the next general municipal election.

If the Commission shall fail to fill a vacancy on the Commission within thirty (30) days after it occurs, or whenever two (2) or more vacancies shall occur at the same time, the Mayor shall immediately call a special election to fill the vacancy or vacancies. Those elected at the special election will serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant. Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

In no event shall the Commission consist of more than two (2) commissioners serving on an appointive basis.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-4-86; Amendment adopted by electorate 11-7-89)

Sec. 2.05. PROHIBITION AGAINST EMPLOYMENT.

No Commission member shall hold any other Town office or Town employment during the term for which he was elected to the Commission.

(Adopted by electorate 11-6-73)

Sec. 2.06. COMPENSATION.

The salary of Commission members, together with the manner of payment, shall be established by ordinance and shall be no greater than one (1) percent of the annual Town budget. No increase in salary shall become effective until the next regular Town election. The Commission may provide that members shall receive their actual and necessary expenses incurred in the performance of their duties.

(Adopted by electorate 11-6-73)

Sec. 2.07. MAYOR.

The Mayor shall qualify and run for office for a term of three (3) years as hereinafter provided. He shall be a voting member of the Commission, the presiding officer of the Commission, and the titular head of the Town government for ceremonial purposes, and for the purpose of civil process. He shall be responsible for civil defense and military law. He shall execute all instruments to which the Town is a party as the Commission shall direct, unless otherwise provided by this Charter or by law.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86)

Sec. 2.08. VICE-MAYOR.

The Vice-Mayor shall be elected annually by the Commissioners from the body of Commissioners-at-Large. Should the office of Mayor fall vacant, in accordance with Section 2.04, the Vice-Mayor would become Mayor until the next general municipal election, at which time a successor would be elected Mayor and the Vice-Mayor temporarily filling the position of Mayor will return without election to a Town Commission seat for the remainder of his or her term. In the absence or disability of the Mayor, the Vice-Mayor shall act temporarily in his stead with full powers to discharge the duties of the office so assumed.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-7-89; Amendment adopted by electorate 11-2-04)

Sec. 2.09. COMMISSIONER-AT-LARGE.

A total of four (4) Commissioners-at-Large shall qualify and run for the four (4) seats. At the November, 1989 election, the two candidates receiving the largest and second largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-7-89)

Sec. 2.10. ASSIGNMENT OF DEPARTMENT RESPONSIBILITIES. (Repealed 11-2-04)

Sec. 2.11. COMMISSION MEETING.

The Commission shall meet regularly at the Town Hall or other municipal building at such times and places as it may prescribe, but in no event less than once each month. All Town business meetings of the Commission shall be open to the public where required.

Special meetings limited to the subjects specified in the call may be convened by the Mayor, any one (1) Commission member, or the Town Manager, upon at least twenty-four (24) hours' notice to each member and to the public. The Commission shall provide, by ordinance, for the holding of an emergency meeting and shall prescribe the means of serving or furnishing notice of emergency meetings. Action taken at emergency meetings must be ratified at the next regularly scheduled meeting of the Town Commission.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86; Amendment adopted by electorate 11-2-04)

Sec. 2.12. LEGISLATIVE PROCEDURE.

Three (3) members of the Commission shall constitute a quorum, but a smaller number may adjourn from day to day. No action of the Commission, except raising a quorum, shall be valid or binding unless adopted by the affirmative vote of at least three (3) members of the Commission. The Commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings. The journal shall be a public record and shall be open to public inspection. The Commission may prescribe for expulsion of disorderly persons from its meetings.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-2-04)

Sec. 2.13. ORDINANCES AND RESOLUTIONS.

Every proposed ordinance or resolution shall be introduced in the final written or printed form required for adoption. The enacting clause of ordinances shall recite: "Be it enacted by the Town of Melbourne Beach, Florida." No ordinance shall be passed until it has been read at two (2) Commission meetings, not less than one (1) week apart, except that a second reading, other than by title, may be dispensed with upon the unanimous affirmative vote of the Commission members present.

A proposed ordinance may be amended at either meeting. However, no ordinance shall be amended at the second or later reading so as to change its intent without a further complete reading of the affected portion at least one (1) week later. The Commission shall provide for public hearings or for the publication of notice concerning the subject matter of any proposed ordinance or amendment. Ordinances and resolutions shall become effective upon passage unless otherwise specified herein. Every ordinance and resolution shall, upon final passage, be authenticated by the presiding officer and the Town Clerk, and shall be recorded and published as the Commission shall prescribe.

(Adopted by electorate 11-6-73)

Sec. 2.14. ORDINANCES BY REFERENDUM VOTE.

The Commission may submit any proposed ordinance to a referendum vote of the qualified voters without filing a petition request.

(Adopted by electorate 11-6-73)

Sec. 2.15 EMERGENCY ORDINANCES.

Notwithstanding the provisions of the foregoing sections, the Commission may enact emergency ordinances to meet serious public emergencies affecting the welfare of the Town or its inhabitants. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance. It may be adopted with or without amendment at the meeting at which it is introduced. Emergency ordinances shall expire thirty (30) days after enactment unless sooner specified therein.

(Adopted by electorate 11-6-73)

Sec. 2.16. PUBLIC NOTICE.

Public notices shall be posted and/or published as prescribed by the appropriate Town ordinance.

(Adopted by electorate 11-6-73)

Sec. 2.17. COMMISSION ATTENDANCE AT MEETINGS. (Repealed 11-2-04)

ARTICLE III. GENERAL TOWN ADMINISTRATION

Sec. 3.01. POWERS AND DUTIES OF THE TOWN COMMISSION.

All powers of the Town shall be vested in an elected Commission, except as otherwise provided by this Charter or by law. The Town Commission shall be responsible to the citizens of Melbourne Beach for the proper functioning of all Town affairs and to that end, subject to the provisions of this Charter, shall have power and are required to:

- (a) Appoint, and when necessary for the good of the Town, suspend or remove, the Town Manager, Town Clerk or Town Attorney, or members of any board, commission or agency, who are appointed by the Town Commission.
- (b) Approve any additions or deletions of staff positions upon the recommendation of the Town Manager. Such recommendations of the Town Manager shall be made in conjunction with the proposed budget for the upcoming year, or may be made at any other time if deemed necessary.
- (c) Provide policy direction to, and exercise control over, the Town Manager as may be required in his role as administrative head of the Town.
- (d) Approve an annual Town budget and any amendments to the budget, together with such other fiscal reports and programs as may be required, and periodically review the financial status of the Town relative to the current budget.
- (e) Provide Town representation on intragovernmental groups when such groups are composed principally of elected officials or when such representation is deemed advisable by the Commission.
- (f) Perform such other duties as may be prescribed by ordinance or resolution consistent with the concept of management of the Town expressed in this Charter.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86)

Sec. 3.02. ADMINISTRATIVE UNITS OF TOWN GOVERNMENT.

- (a) The Commission by ordinance may establish, abolish or reorganize, and prescribe the composition, duties and functions of any Town departments, agencies and offices.
- (b) The Town Manager, as provided under Section 3.03, with the approval of the Commission, may be the head of any department. The Town Commission may by ordinance authorize the Town Manager to create, abolish or reorganize any departments or positions, and further to delegate any of the duties and authorities of the Town Manager to said departments or positions. The Town Manager shall remain responsible for proper execution of all the functions of the Town Manager whether or not such functions have been delegated by the Town Manager to other departments or positions.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86)

Sec. 3.03. OFFICE OF THE TOWN MANAGER.

(a) This office shall be headed by a Town Manager, who shall be appointed by the Town Commission on the basis of his or her executive and administrative qualifications. The Town Manager shall be the Chief Administrative Officer of the Town, and shall be directly responsible to the Commission for all Town affairs placed in his or her charge by this Charter or by ordinance or resolution. The Town Manager when necessary shall appoint, suspend, demote or dismiss any Town employee under his or her jurisdiction in accordance with the law and the personnel rules, and may authorize any Department Head to exercise these powers with respect to subordinates in that department. The Town Manager shall direct and supervise the administration of all departments of the Town except the ~~Offices~~ Office of Town Clerk and Town Attorney, and shall attend all Commission meetings unless excused by the Commission, and shall have the right to take part in discussions, but not vote. He or she shall see that all laws, Charter provisions, ordinances, resolutions, and other acts of the Commission subject to enforcement by him or her are faithfully executed. The Town Manager shall also prepare and submit the annual budget, budget message, and capital program to the commission, and shall keep the Commission fully advised as to the financial condition and future needs of the Town, and shall be responsible for adhering to the approved budget. The Town Manager shall make such recommendations to the Commission concerning the affairs of the Town as he or she deems advisable. The Town Manager shall endorse all instruments in writing in which the Town is interested, sign Town checks as authorized by the Town Commission, and execute contracts on behalf of the Town, unless the Commission shall otherwise provide. The Town Manager shall by letter designate an Acting Town Manager to exercise his or her powers and perform his or her duties during temporary absences or disability of the Town Manager. The Commission may revoke such designation at any time and appoint another eligible person to serve as Acting Town Manager.

(b) Except for the purpose of inquiries and investigations, the Town Commission or its members shall not give orders or directions to any officer or employee of the Town who is under the direction and supervision of the Town Manager, and shall deal with such officers and employees only through the Town Manager.

(Amendment adopted by electorate 9-2-86; Amendment adopted by electorate 11-5-19)

Sec. 3.04. OFFICE OF THE TOWN CLERK.

This office shall be headed by a Town Clerk hired by the Town Manager to serve the Commission. The salary of the Town Clerk shall be fixed by the Commission. The Town Manager shall have exclusive supervisory authority over the Town Clerk as a Town employee, including the authority to manage, discipline, and terminate consistent with the Town's employment

policies, without consent of the Town Commission. The Clerk shall be: Clerk of the Commission and shall keep the Commission journal; custodian of ordinances, resolutions, and such other official records as the Commission may prescribe; attester to contracts, bonds, and other instruments as may be prescribed by law; chief registration and elections officer of the Town; and responsible for other duties so prescribed by the Town Commission or Town Manager.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86; Am. Ord. 2017-02, adopted 8-16-17; Amendment adopted by electorate 11-7-17)

Sec. 3.05. OFFICE OF THE TOWN ATTORNEY.

This office shall be held by an attorney, appointed by the Commission. The salary of the Town Attorney shall be fixed by the Commission. The Town Attorney shall be legal advisor and attorney to the officers of the Town in matters affecting the Town or relating to their official duties; prosecute and defend in behalf of the Town all civil actions in which the Town is a party; prepare and endorse written instruments in which the Town is concerned; be prosecutor in the Town court; and perform other duties as the Commission may require or as may be prescribed by general state law, consistent with this Charter and with ordinances or resolutions of the Commission. One or more assistants may perform any duties of the Town Attorney. The Town Attorney and his assistants shall be lawyers admitted to and having authority to practice in all courts of the state, as well as the Federal District Court.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86)

Sec. 3.06. POLICE DEPARTMENT.

The Police Department shall be responsible for the enforcement of federal and state laws and Town ordinances.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86)

Sec. 3.06A. LAW ENFORCEMENT AND POLICE PROTECTION.

Before any arrangement is entered into that would materially change the existing arrangement for law enforcement and police protection, including the utilization of the Brevard County Sheriff's Department or the police department of any other political entity, the matter will be brought before the people in a referendum.

(Amendment adopted by electorate 11-4-86)

Sec. 3.07. RESERVED.

Sec. 3.08. RESERVED.

Sec. 3.09. RESERVED.

Sec. 3.10. INDEPENDENT AUDITS.

The Commission shall designate qualified Certified Public Accountants who shall make an independent audit of accounts and financial transactions of the Town government and the several units thereof as of the end of each fiscal year. The Commission may provide for more frequent audits of the Town government. A copy of each audit shall be filed with the Legislative Auditor of the State of Florida.

(Adopted by electorate 11-6-73)

Sec. 3.11 CODE OF ETHICS.

The following code of ethics shall apply to all officers and employees of the municipality, whether elected or appointed, paid or unpaid. By majority vote of the Commissioners, the Commission may vote to censure a member for violating this code. No officer or employee of the Town shall knowingly:

- (a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties;
- (b) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties, or would tend to impair his independence of judgment or action in the performance of his official duties;
- (c) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is employed, without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;
- (d) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that any such officer or employee who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (e) Represent private interests in any action or proceeding against the governmental body by which he is employed;

(f) Vote or otherwise participate in the negotiation or the making of any contract involving the Town with any business or entity in which he has a financial interest;

(g) Have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the Town, [and if so] shall disclose such private interest on the records of the Commission, and shall disqualify himself from participating in any decision or vote relating thereto;

(h) Use property owned by such governmental body for personal benefit, convenience, or profit except in accordance with policies of the Commission; or

(i) Violate the Code of Ethics for Public Officers and Employees or the Florida Election Code, as set forth in Florida Statutes, and implementing rules thereof, and if a Town officer or employee has been found to have violated the Code of Ethics for Public Officers and Employees by the Florida Commission on Ethics or the Florida Election Code by the Florida Elections Commission, or implementing rules thereof, he or she may be censured by the Town Commission.

(Adopted by electorate 11-6-73; Amendment adopted by the electorate 11-2-04)

Sec. 3.12. ADVISORY BOARDS.

The Commission may establish advisory boards to make recommendations concerning economic development, recreation, parks, playgrounds, and their facilities and activities as well as planning and zoning and such other municipal functions as the Commission deems advisable. Such boards shall be composed of a representative membership of registered electors of the Town.

(Adopted by electorate 11-6-73)

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF MELBOURNE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF MELBOURNE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE TOWN CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Resolution 2024-14, the Town of Melbourne Beach established a Charter Review Committee to review the Town Charter and make recommendations to the Town Commission for proposed amendments thereto; and

WHEREAS, the 2025 Charter Review Committee reviewed, considered, studied, and analyzed the Town Charter and received public input during its multiple public meetings; and

WHEREAS, on April 28, 2025, the 2025 Charter Review Committee submitted its final report, attached hereto as **Exhibit “A,”** with recommendations to the Town Commission; and

WHEREAS, on June 18, 2025, following a public hearing wherein the Town Commission reviewed the final report and recommendations, and received public comment, the Town Commission accepted the final report, modified certain proposed charter amendments, and directed the Town Attorney to prepare an appropriate ordinance to place the proposed charter amendments before the registered voters of Melbourne Beach at the election to be held on November 4, 2025; and

WHEREAS, Section 166.031, *Florida Statutes*, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality and other matters prohibited by general law; and

WHEREAS, the Town Commission finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at the municipal election on November 4, 2025.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA, AS FOLLOWS:

Section 1. The Town Commission of the Town of Melbourne Beach, pursuant to Section 166.031, *Florida Statutes*, hereby proposes and approves amendments to the Charter of the Town of Melbourne Beach to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, are set forth in Section 3 below. Additions

are shown with underlining, deletions are shown with ~~strike-through~~ type, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 2. Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the Town of Melbourne Beach now in force relating to elections in the Town of Melbourne Beach. The Supervisor of Elections of Brevard County is hereby requested to coordinate all matters to said referendum election with the Town Clerk. The proposed charter amendments shall be submitted to the voters at the November 4, 2025, election.

Section 3. The proposed amendments, the ballot title, and the wording of the substance of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions as follows:

TOWN CHARTER AMENDMENT QUESTION #1: AMEND RESIDENCY REQUIREMENT AND PROVIDING FOR FORFEITURE OF OFFICE.

A. Introduction.

This Charter amendment would amend the qualifications of the Commission to provide that any member serving on the Commission be a resident of the Town for at least twelve (12) months and providing that the office of a Commission member shall be forfeited for malfeasance or misfeasance. Additionally, this amendment removes “a crime involving moral turpitude” as a basis for forfeiture of office of a Commission member.

B. Ballot Proposal: The ballot title and question for Question # 1 are as follows:

**AMEND RESIDENCY REQUIREMENT AND
PROVIDING FOR FORFEITURE OF OFFICE
FOR MALFEASANCE OR MISFEASANCE**

Amending the Charter by increasing the residency requirement for Commission members and providing for forfeiture of office of a Commission member for malfeasance or misfeasance. This amendment will increase the residency requirement for Commission members from six (6) months to twelve (12) months prior to the date of qualification for office.

Budget Director’s estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.02. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.02

The Commission shall consist of five (5) members elected by the qualified voters of the Town

as hereinafter provided. Members of the Town Commission shall have been residents of the Town for at least ~~six (6)~~ twelve (12) months prior to the date of qualification for office, and shall have the qualifications of a Town Elector. The Commission shall consist of five (5) Commissioners: The Mayor elected as such, and four (4) Commissioners-at-Large.

The office of Commission member shall be forfeited whenever a member is finally convicted of a felony ~~or a crime involving moral turpitude, malfeasance, or misfeasance~~. When a member files for election to or accepts any other elective public office, he shall submit his resignation. This resignation shall be effective when his former office is filled or when he accepts an elective office, whichever comes first.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #2: AMENDING WHEN COMMISSIONERS ASSUME OFFICE AND MINIMUM TERM LIMITATIONS.

A. Introduction.

This Charter amendment provides that an elected Commissioner shall take office at the beginning of the next regular Town Commission meeting following an election, decreases the time a Commissioner or Mayor is prohibited from serving on the Commission due to term limitations from one (1) year to eleven (11) months, and removes unnecessary language relating to the November 2, 2004 election.

B. Ballot Proposal: The ballot title and question for Question # 2 are as follows:

PROVIDE WHEN ELECTED COMMISSIONERS
SHALL ASSUME OFFICE AND MINIMUM
TERM LIMITATIONS

Amending the Charter by providing an elected Commissioner shall assume office at the next regularly scheduled Commission meeting following an election and amending the time an elected official may not serve on the Commission due to term limitations from one (1) year to eleven (11) months.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

- C. **Text Revisions:** Article II, Section 2.03. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.03

(a) Elected Commissioners shall take office at the beginning of the next official regular Town Commission meeting following the municipal election at which they were elected. They shall hold office for a term of three (3) years, or until their successors are elected and qualified certified by the Brevard County Supervisor of Elections, unless:

(1) The individual has been appointed or elected to fulfill the term of a Commissioner-at-Large who has been removed from office other than by means of recall, forfeited the office of Commissioner-at-Large, resigned, or the office has become vacant due to the death of a Commissioner-at-Large. In such event, a successor Commissioner-at-Large shall assume office in the manner set forth in Section 2.04. in this Charter.

(2) The individual has been elected to fulfill the term of a Commissioner-at-Large who has been recalled from said office by the electorate. In such event a newly elected Commissioner-at-Large who is replacing a Commissioner-at-Large recalled from office shall serve a term equal in time to what would have otherwise been the time remaining in the term of the recalled Commissioner-at-Large's term; or

(3) The individual is elected to fill a term otherwise consistent with this Charter.

(b) Neither a commission member or the mayor may qualify for or serve more than two (2) complete consecutive terms and the portion of an unexpired term occurring by reason of a vacancy. Notwithstanding the foregoing, an elected city official, such as a commissioner, who has served the maximum time in office as permitted by this paragraph, may qualify for and be elected to serve in a different city elected office, such as mayor. Further, a commissioner or the mayor who has served the maximum amount of time permitted by this sub-section may again serve on the commission subject to the time and term limitations of this sub-section; provided, that the official has not served on the commission for at least ~~one (1) year (three hundred sixty-five (365) days = one (1) year)~~ eleven (11) months. Any city elected official who resigns within one (1) year (three hundred sixty-five (365) days = one (1) year) before the end of the second consecutive term of office shall be prohibited from qualifying as a candidate for a commission seat in the next regular city election. ~~This paragraph shall be applicable to any commission member or the mayor who, subsequent to the election held on November 2, 2004, has served for two (2) complete consecutive terms and which terms have been served in full after November 2, 2004.~~

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #3: APPOINTMENT TO COMMISSION DUE TO VACANCY.

A. Introduction.

This Charter amendment provides that an appointed Commission member as a result of a vacancy shall serve until the next general election for which the qualifying period has not begun at the time of the vacancy.

B. Ballot Proposal: The ballot title and question for Question # 3 are as follows:

PROVIDE THE TIME PERIOD FOR A
COMMISSIONER TO SERVE AS A RESULT OF
AN APPOINTMENT DUE TO VACANCY

Amending the Charter by specifying the time period for a Commissioner to serve as a result of an appointment due to vacancy. This amendment specifies that an appointed Commissioner shall serve until the next general municipal election for which the qualifying period has not begun at the time of the vacancy.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.04. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.04

A vacancy shall occur upon the death, resignation, removal from office (other than by recall) as authorized by law, or forfeiture of office of a Commission member. When such a vacancy occurs, other than that of Mayor, the remaining Commission members may select, by the affirmative vote of not less than a majority of the remaining membership, a person to fill the vacancy. Such an appointed person shall be a qualified elector in the Town, as specified in this Charter, and shall serve until the next general municipal election for which the qualifying period has not begun at the time of the vacancy, at which time a candidate will be elected to serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant.

In the event the office of Mayor is vacated, the Vice-Mayor assumes the position until the next general municipal election, at which time a candidate will be elected to serve for the remainder of the Mayor's unexpired term, and a person is appointed or elected to fill the office of Commissioner-at-Large held by the Vice-Mayor, all in accordance with the criteria and procedures herein provided. Said individual succeeding to the position of Commissioner-at-

Large, formerly held by the Vice-Mayor, shall hold office only until the next general municipal election.

If the Commission shall fail to fill a vacancy on the Commission within thirty (30) days after it occurs, or whenever two (2) or more vacancies shall occur at the same time, the Mayor shall immediately call a special election to fill the vacancy or vacancies. Those elected at the special election will serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant. Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

In no event shall the Commission consist of more than two (2) commissioners serving on an appointive basis.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #4: CANDIDATES RECEIVING LARGEST NUMBER OF VOTES ELECTED TO THE LONGEST TERMS.

A. Introduction.

This Charter amendment removes language pertaining to the 1989 election and provides that the candidates receiving the largest number of votes shall be declared elected for the longest terms.

B. Ballot Proposal: The ballot title and question for Question # 4 are as follows:

PROVIDE THAT CANDIDATES RECEIVING
LARGEST NUMBER OF VOTES ELECTED TO
THE LONGEST TERMS

Amending the Charter by providing that the candidates for Commissioners-at-Large that receive the largest number of votes shall be declared elected for the longest terms to be filled.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.09. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.09

~~A total of four (4) Candidates for Commissioners-at-Large shall qualify and run for the four (4) open seats. At the November, 1989 election, the two candidates receiving the largest and second largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms.~~

Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #5: REMOVING AUTHORITY TO APPOINT, SUSPEND, OR REMOVE TOWN CLERK.

A. Introduction.

This Charter amendment would remove the Town Commission's authority to appoint, suspend, or remove the Town Clerk. This amendment is proposed in order to be consistent with the Charter amendments adopted on November 7, 2017, which moved supervision of the Town Clerk from the Town Commission to the Town Manager.

B. Ballot Proposal: The ballot title and question for Question # 5 are as follows:

REMOVING THE TOWN COMMISSION'S
AUTHORITY TO APPOINT, SUSPEND, OR
REMOVE TOWN CLERK

Amending the Charter by removing the Town Commission's authority to appoint, suspend, or remove the Town Clerk.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article III, Section 3.01. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.01

All powers of the Town shall be vested in an elected Commission, except as otherwise provided by this Charter or by law. The Town Commission shall be responsible to the citizens of Melbourne Beach for the proper functioning of all Town affairs and to that end, subject to the provisions of this Charter, shall have power and are required to:

- (a) Appoint, and when necessary for the good of the Town, suspend or remove, the Town Manager, ~~Town Clerk~~ or Town Attorney, or members of any board, commission or agency, who are appointed by the Town Commission.
- (b) Approve any additions or deletions of staff positions upon the recommendation of the Town Manager. Such recommendations of the Town Manager shall be made in conjunction with the proposed budget for the upcoming year, or may be made at any other time if deemed necessary.
- (c) Provide policy direction to, and exercise control over, the Town Manager as may be required in his role as administrative head of the Town.
- (d) Approve an annual Town budget and any amendments to the budget, together with such other fiscal reports and programs as may be required, and periodically review the financial status of the Town relative to the current budget.
- (e) Provide Town representation on intragovernmental groups when such groups are composed principally of elected officials or when such representation is deemed advisable by the Commission.
- (f) Perform such other duties as may be prescribed by ordinance or resolution consistent with the concept of management of the Town expressed in this Charter.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #6: COMMISSION'S AUTHORITY TO FIX SALARY OF TOWN CLERK.

A. Introduction.

This Charter amendment would remove the Town Commission's authority to fix the salary of the Town Clerk. Additionally, the amendment removes the provision that the Town Clerk is to "serve the Commission." This amendment is proposed in order to be consistent with the

Charter amendments adopted on November 7, 2017, which moved supervision of the Town Clerk from the Town Commission to the Town Manager.

- B. Ballot Proposal:** The ballot title and question for Question # 6 are as follows:

REMOVING THE TOWN COMMISSION'S
AUTHORITY TO FIX SALARY OF TOWN
CLERK

Amending the Charter by removing the Town Commission's authority to fix the salary of the Town Clerk and language that the Town Clerk shall serve the Commission.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

- C. Text Revisions:** Article III, Section 3.04. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.04

This office shall be headed by a Town Clerk hired by the Town Manager. ~~to serve the Commission. The salary of the Town Clerk shall be fixed by the Commission.~~ The Town Manager shall have exclusive supervisory authority over the Town Clerk as a Town employee, including the authority to manage, discipline, and terminate consistent with the Town's employment policies, without consent of the Town Commission. The Clerk shall be: Clerk of the Commission and shall keep the Commission journal; custodian of ordinances, resolutions, and such other official records as the Commission may prescribe; attestor to contracts, bonds, and other instruments as may be prescribed by law; chief registration and elections officer of the Town; and responsible for other duties so prescribed by the Town Commission or Town Manager.

- D. Financial Analysis and Impact:**

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #7: VICE-MAYOR DUTIES.

- A. Introduction.**

This Charter amendment would add language that in the event the Mayor is unable to or unwilling, the Vice-Mayor shall act temporarily in his stead.

B. Ballot Proposal: The ballot title and question for Question #7 are as follows:

PROVIDE FOR VICE-MAYOR'S DUTIES IF
MAYOR IS UNABLE OR UNWILLING TO
PERFORM DUTIES

Amending the Charter by providing that Vice-Mayor shall act temporarily in the Mayor's stead if the Mayor is unable to or unwilling to perform duties.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.08. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.08

The Vice-Mayor shall be elected annually by the Commissioners from the body of Commissioners-at-Large. Should the office of Mayor fall vacant, in accordance with Section 2.04, the Vice-Mayor would become Mayor until the next general municipal election, at which time a successor would be elected Mayor and the Vice-Mayor temporarily filling the position of Mayor will return without election to a Town Commission seat for the remainder of his or her term. In the absence or disability of the Mayor, or if the Mayor is unable or unwilling, the Vice-Mayor shall act temporarily in his stead with full powers to discharge the duties of the office so assumed.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #8: ADJOURNMENT OF MEETINGS.

A. Introduction.

This Charter amendment would clarify the requirement for the Commission to vote to adjourn.

B. Ballot Proposal: The ballot title and question for Question # 8 are as follows:

CLARIFY THE REQUIREMENT FOR
COMMISSION TO VOTE TO ADJOURN

Amending the Charter by providing that less than three (3) Commission members may vote to adjourn Commission meetings.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

- C. **Text Revisions:** Article II, Section 2.12. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.12

Three (3) members of the Commission shall constitute a quorum, but a smaller number may vote to adjourn from day to day. No action of the Commission, except raising a quorum, shall be valid or binding unless adopted by the affirmative vote of at least three (3) members of the Commission. The Commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings. The journal shall be a public record and shall be open to public inspection. The Commission may prescribe for expulsion of disorderly persons from its meetings.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #9: TOWN ATTORNEY.

A. Introduction.

This Charter amendment would clarify that the Town Commission shall fix and approve the salary and/or contract of the Town Attorney. It further removes the requirement that the Town Attorney be the prosecutor in the Town court.

- B. Ballot Proposal:** The ballot title and question for Question # 9 are as follows:

PROVIDING TOWN ATTORNEY'S
SALARY/CONTRACT FIXED AND APPROVED
BY COMMISSION

Amending the Charter by providing the Town Attorney's salary and/or contract shall be fixed and approved by the Town Commission. This amendment also removes the requirement that the Town Attorney be the prosecutor in the Town court.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

- C. **Text Revisions:** Article III, Section 3.05. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.05

This office shall be held by an attorney, appointed by the Commission. The salary and/or contract of the Town Attorney shall be fixed and approved by the Commission. The Town Attorney shall be legal advisor and attorney to the officers of the Town in matters affecting the Town or relating to their official duties; prosecute and defend in behalf of the Town all civil actions in which the Town is a party; prepare and endorse written instruments in which the Town is concerned; ~~be prosecutor in the Town court;~~ and perform other duties as the Commission may require or as may be prescribed by general state law, consistent with this Charter and with ordinances or resolutions of the Commission. One or more assistants may perform any duties of the Town Attorney. The Town Attorney and his assistants shall be lawyers admitted to and having authority to practice in all courts of the state, as well as the Federal District Court.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #10: CODE OF ETHICS.

A. Introduction.

This Charter amendment amends the prohibition on officers and employees of the Town to accept gifts as defined in Section 112.313(2) and 112.313(4), Florida Statutes, and specifies the statutes applicable to the Code of Ethics for Public Officers and Employees.

- B. **Ballot Proposal:** The ballot title and question for Question # 10 are as follows:

AMENDING THE CHARTER TO DEFINE
UNACCEPTABLE GIFT AND SPECIFYING
APPLICABLE FLORIDA STATUTES

Amending the Charter by providing incorporating the definition of “unacceptable gift” as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, and specifying the applicable statutory sections for the Code of Ethics for Public Officers and Employees.

Budget Director’s estimated financial impact: NONE.

_____ Yes

_____ No

- C. **Text Revisions:** Article III, Section 3.11. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.11

The following code of ethics shall apply to all officers and employees of the municipality, whether elected or appointed, paid or unpaid. By majority vote of the Commissioners, the Commission may vote to censure a member for violating this code. No officer or employee of the Town shall knowingly:

- (a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or would tend to impair his or her independence of judgment or action in the performance of his official duties;
- (b) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties, or would tend to impair his independence of judgment or action in the performance of his official duties;
- (c) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is employed, without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;
- (d) Accept any ~~valuable~~ unacceptable gift as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, whether in the form of service, loan, ~~thing~~ item, whether tangible or intangible, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that any such officer or employee who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (e) Represent private interests in any action or proceeding against the governmental body by which he is employed;
- (f) Vote or otherwise participate in the negotiation or the making of any contract involving the Town with any business or entity in which he has a financial interest;
- (g) Have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the Town, [and if so] shall disclose such private interest on

the records of the Commission, and shall disqualify himself from participating in any decision or vote relating thereto;

(h) Use property owned by such governmental body for personal benefit, convenience, or profit except in accordance with policies of the Commission; or

(i) Violate the Code of Ethics for Public Officers and Employees as provided for in Sections 112.311 through 112.3261, Florida Statutes, as may be amended or the Florida Election Code, as set forth in Florida Statutes, and implementing rules thereof, and if a Town officer or employee has been found to have violated the Code of Ethics for Public Officers and Employees by the Florida Commission on Ethics or the Florida Election Code by the Florida Elections Commission, or implementing rules thereof, he or she may be censured by the Town Commission.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #11: INCLUSION OF HE/SHE AND HIS/HER.

A. Introduction.

This Charter amendment would replace “he” to “he or she” and “his” to “his or her” so as to include both genders when describing a Commission member and his or her office and the Town Officials and his or her position.

B. Ballot Proposal: The ballot title and question for Question # 11 are as follows:

REPLACING “HE” AND “HIS” AND
INCLUDING “HE OR SHE” OR “HIS AND HER”

Amending the Charter by removing any references to “he” and “his” and replacing these terms with “he or she” or “his and her” throughout the Charter. This Charter amendment does not create any new rights, duties, obligations, or prohibitions.

Budget Director’s estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: The Charter would be amended when there is any reference to “he” and “his” and replaced with “he or she” or “his or her.”

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

Section 4. The Town Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with and to coordinate all activities necessary to conduct the election called for in Section 2 of this Ordinance with the Supervisor of Elections for Brevard County.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district, and independent provision and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

Section 6. This Ordinance shall take effect immediately upon approval by the Town Commission. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the Town of Melbourne Beach and in accordance with Section 166.031, *Florida Statutes*. If the electors reject a proposed amendment, the rejected amendment shall not take effect.

PASSED AND ADOPTED this 22 day of July, 2025, by the Town Commission of the Town of Melbourne Beach, Florida.

PASSED ON FIRST READING: 7/1/2025

PASSED ON SECOND READING: 7/22/2025

TOWN OF MELBOURNE BEACH, FLORIDA

By: 
ALISON DENNINGTON, Mayor

ATTEST:


Amber Brown, Town Clerk

(TOWN SEAL)



CHAPTER 13: ELECTIONS

Section

- 13-1 Permanent single registration system adopted (Repealed)
 - 13-1.1 Appointment of campaign treasurer; designation of a campaign depository
 - 13-1.2 Candidate campaign finance
- 13-2 Nominating petitions
- 13-3 Examination of petitions; ordering names to be placed on ballots
- 13-4 Town Clerk to have ballots printed
- 13-5 Adoption of state law by reference
 - 13-5.1 Elections qualifying officer
 - 13-5.2 Grievances
- 13-6 Time and method of candidate qualification
 - 13-6.1 Non-partisan elections
- 13-7 Ordinances proposed by citizens' initiatives
- 13-8 – 13-99 Reserved

§ 13-1. PERMANENT SINGLE REGISTRATION SYSTEM ADOPTED. (REPEALED).

('75 Code, § 10-1) (Ord. passed 1-26-71)

§ 13-1.1. APPOINTMENT OF CAMPAIGN TREASURER; DESIGNATION OF A CAMPAIGN DEPOSITORY.

(a) No person shall accept any contribution or make any expenditure with a view to bringing about his or her election to the Town Commission, or authorize another person to accept such contributions or make such expenditures on the person's behalf, unless such person has appointed a campaign treasurer, designated a primary campaign depository for monetary contributions, and declared the office that the person is seeking.

(b) The Appointment of Campaign Treasurer/ Designation of Campaign Depository form must be submitted to the Town Clerk prior to opening a candidate campaign account. No designations or appointments shall be considered official until received by the Town Clerk and accepted by the designee.

(c) A prospective candidate may appoint himself or herself as the campaign treasurer. The designated campaign treasurer must accept the appointment in writing and file said writing in the office of the Town Clerk before the appointment may become effective.

(Ord. 2010-04, adopted 4-21-10)

§ 13-1.2. CANDIDATE CAMPAIGN FINANCE.

Pursuant to Section 106.023, Florida Statutes, the candidate is responsible for comprehending Chapter 106, Florida Statutes, regarding campaign financing and reporting all campaign donations and loans and all expenditures. The candidate must ensure that they follow all rules and regulations pertaining to contributions and expenditures, including timely submission of itemized contribution and expenditure forms. Within ten (10) days of the date of filing the Appointment of Campaign Treasurer/Designation of Campaign Depository form referenced in § 13-1.1, a prospective candidate shall also file a statement of candidate that a candidate has reviewed and understands the statutory requirements for campaign financing as set forth in Chapter 106, Florida Statutes, and required by Section 106.023, Florida Statutes.

(Ord. 2010-04, adopted 4-21-10)

§ 13-2. NOMINATING PETITIONS.

(a) Required; number of signatures; filing. Every candidate for elective town office, excepting a write-in candidate, shall file with the Town Clerk a petition signed by not less than 25 qualified electors of the town requesting the Town Commission to place the name of such candidate upon the official ballot. The petition shall be filed in the office of the Town Clerk as provided for in § 13-6.

(b) Form of petition. The petition of any person seeking to qualify as a candidate for office in the town shall be in the following form:

"We, the undersigned qualified electors of the Town of Melbourne Beach, Florida, hereby request that the name of _____ be placed on the Official Ballot for the Office of _____. (Said Ballot to be used in the Town Election to be held on the ____ day of ____, 20__)" "We further certify that we have signed the Petition of no other Candidate for this particular

Office in this Election.”

(c) Electors are not to sign more than one petition. It shall be unlawful for any person to sign the petition of more than one candidate for any one office in any one election. If an elector's signature appears on two or more petitions for any office submitted to the Town Clerk, the elector's signature shall be declared by the Town Clerk to be invalid on the petition(s) submitted later in time than the first petition submitted to the Town Clerk upon which said elector's name shall appear, the intent being that said elector's signature shall be valid on only one petition.

(d) Copies of petition to be made available to public. Copies of nominating petitions required by this chapter shall be kept on file in the office of the Town Clerk and made available without cost to any individual.

('75 Code, §§ 10-2 – 10-5)

(e) Time of collection of signature on nominating petition. Signatures on all nominating petitions shall not be collected prior to filing with the Town Clerk the Appointment of Campaign Treasurer/Designation of Campaign Depository form and the loyalty oath form referenced in §§ 13-1.1 and 13-6 of this code.

(Am. Ord. 91.04, passed 5-31-91; Am. Ord. 5-2005, adopted 11-2-05; Am. Ord. 2010-04, adopted 4-21-10; Am. Ord. 2014-03, adopted 4-16-14)

§ 13-3. EXAMINATION OF PETITIONS; ORDERING NAMES TO BE PLACED ON BALLOTS.

The Town Commission shall hold a meeting as soon as practicable after the deadline for qualifying to ascertain whether or not the petitions are in order, the filing fees paid and that all candidates, including write-in candidates, have met the other applicable requirements for qualification. If those candidates are found to be qualified, the Commission shall order that the names of the candidates, excepting write-in candidates, be placed upon the ballot for the office which they are seeking. In the case of write-in candidates, if the Town Commission determines that said candidates meet the applicable requirements for qualification, then the Commission shall approve said candidates participating as write-in candidates. Subject to the ability of the Town Commission to serve as the judge of qualifications of candidates as provided by the town charter, any candidate (excepting write-in candidates) who has qualified as prescribed by law and this code is entitled to have his or her name printed on the official election ballot. However, when there is only one candidate, including a write-in candidate, qualified for an office, the name of the candidate, excluding write-in candidates, shall not be printed on the election ballot, and such candidate shall be declared nominated for the office.

('75 Code, § 10-7) (Am. Ord. 2010-04, adopted 4-21-10)

§ 13-4. TOWN CLERK TO HAVE BALLOTS PRINTED.

It shall be the duty of the Town Clerk to cause the ballot to be printed containing all of the names of those persons who have qualified as candidates, excluding write-in candidates, in the manner provided by this chapter, or to coordinate with the supervisor of elections, to accomplish the same. In addition to the names of the candidates, referenda shall also be placed upon the ballot following the ballot positions for candidates for Town Commission.

('75 Code, § 10-8) (Am. Ord. 2010-04, adopted 4-21-10)

§ 13-5. ADOPTION OF STATE LAW BY REFERENCE.

Except to the extent inconsistent with the town charter or this code, the town hereby adopts The Florida Election Code, Chapters 97 through 107, Florida Statutes, by reference as part of this chapter as fully as if set out at length herein.

(Am. Ord. 2010-04, adopted 4-21-10)

§ 13-5.1. ELECTIONS QUALIFYING OFFICER.

(a) The Town Clerk is the designated town elections qualifying officer. The Town Clerk is responsible for:

- (1) Preparing election packets for candidates wishing to qualify for the Town Commission;
- (2) Collecting required forms and fees from candidates seeking qualification;
- (3) Filing all appropriate election documentation on behalf of the town with the state elections office and the Brevard County supervisor of elections;
- (4) Counting and validating all candidate petition signatures for recommendation to the Town Commission;
- (5) Assisting candidates with information concerning deadlines, appointments, and important dates;
- (6) Collecting campaign reports; and
- (7) Recording and storing election documents in accordance with appropriate records retention procedures.

(b) The town Clerk/elections qualifying officer is not:

- (1) Responsible for interpreting election law;
- (2) Capable of filing or taking election complaints made by candidates, citizens, or Town Commissioners not running for office;

(3) Responsible for errors or omissions on documents submitted by candidates running for office; and

(4) A policing agent for town elections. Concerns and complaints are to be directed to the Florida Elections Commission.

(Ord. 2010-04, adopted 4-21-10)

§ 13-5.2. GRIEVANCES.

All complaints, inquiries, and concerns shall be directed to the Florida Elections Commission; the Town Clerk/elections qualifying officer is not responsible for interpreting the Florida Election Code or the provisions of Chapter 13 of the town code.

(Ord. 2010-04, adopted 4-21-10)

§ 13-6. TIME AND METHOD OF CANDIDATE QUALIFICATION.

(a) Each candidate seeking the office of Mayor or Town Commission member shall seek to qualify for election to that office in the manner prescribed by the Town Charter, on or before 12:00 noon of the 81st day, but not earlier than noon of the 85th day, prior to the date of such election. Payment of the applicable fees and filing of paperwork to qualify, as set forth in sub-section (b), must be filed during the qualifying period. In computing the qualification days, the election day is to be excluded, but all Sundays and holidays are to be included. Should the 81st day preceding an election fall on a Sunday, Saturday, or holiday, the qualification papers, and payment of the applicable fee, all as set forth in sub-section (b) must be filed on or before 12:00 noon on the preceding business day. Each person seeking to qualify for election to office as a write-in candidate shall qualify for election to that office in the same manner prescribed by the Town Charter, on or before 12:00 noon of the 81st day prior to the general election but not earlier than noon of the 85th day prior to the election. If the 81st day preceding an election falls on a Sunday, Saturday, or holiday, the qualification papers to run as a write-in candidate must be filed on or before 12:00 noon on the preceding business day.

(b) Subject to the power of the Town Commission to act as the judge of qualifications for candidates to hold elective office in the town, to qualify for the office of Mayor or Town Commissioner, a person must:

(1) Be a qualified elector of the town at the time of qualification;

(2) Have maintained continuous residency within the town for at least six (6) continuous months immediately prior to the date of qualification for the office sought;

(3) Submit a nominating petition completed consistent with section 13-2 signed by twenty-five (25) qualified town electors who are qualified electors at the time of submission to the Town Clerk of the nominating petition;

(4) Comply with Section 99.093, Florida Statutes, and section 13-6(c) of this code, with regard to payment of the qualifying fee/Florida Department of State election trust fund assessment fee;

(5) Submit a sworn statement under oath of his or her name, address, occupation, that said person possesses all of the qualifications required by law and this code for the office, the name of the office he seeks, and that said candidate is in compliance with paragraphs (1) and (2) above;

(6) File a loyalty oath as required by Section 876.05, Florida Statutes;

(7) Submit a statement of a willingness to serve as required by the town charter;

(8) File a statement of financial interests (financial disclosure form) as required by Section 99.061, Florida Statutes. As provided in Section 99.061(7)(a)5., a person seeking to qualify who has previously filed a full and public financial disclosure or statement of financial interests with the Florida Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying;

(9) File a candidate oath as required by Section 99.021, Florida Statutes; and

(10) Submit or file such other documentation as may be required by the Brevard County Supervisor of Elections and/or the state division of elections.

All of the foregoing information must be filed with the Town Clerk in proper, complete, fully executed, and legal form during the time of qualification as set forth in subsection (a) above.

(c) Payment of qualifying fee. With the exception of write-in candidates, at the time an individual seeks to qualify as a candidate for the office of Town Commissioner or Mayor, the candidate shall pay a qualifying fee as described in the town charter. The qualifying fee is co-extensive with and consists of the payment of the Florida Department of State election trust fund assessment fee. Pursuant to Section 99.093, Florida Statutes, the assessment/qualifying fee is equivalent to one percent (1%) of the annual salary of the position to which the candidate seeks election. All payments of fees and assessments must be made in the form of a check drawn on the candidate's campaign account. As required by Section 99.093, Florida Statutes, any person seeking to qualify for Town Commission who is required to pay and who is unable to pay the election assessment without imposing an undue burden on personal resources, shall certify of such inability under oath in the presence of the qualifying officer. Thereafter, the individual shall be excused from paying a qualifying or election trust fund assessment fee.

(d) Qualification of write-in candidates.

(1) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the Town Clerk during the period for qualifying as a candidate. All write-in candidates shall comply with subsection (b) (1), (2), and (5) through (10), above. Any person who is seeking election as a write-in candidate shall not be required to pay a qualifying fee or election assessment.

(2) A write-in candidate is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in must be provided on the election ballot. At the time of certifying under oath compliance with the above information in subsection (b)(1), (2), (5), (6), and (9) and filing the required information in subsection (b)(7), (8), and (10), a write-in candidate shall be considered a candidate. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office. Failure to qualify as a write-in candidate shall mean that any write-in votes cast for such person shall not be counted.

(Ord. 2001-01, passed 9-19-01; Am. Ord. 2008-07, adopted 7-2-08; Am. Ord. 2010-04, adopted 4-21-10; Am. Ord. 2014-03, adopted 4-16-14; Am. Ord. 2019-02, adopted 7-17-19)

§ 13-6.1. NON-PARTISAN ELECTIONS.

All elections for the office of Town Commission, including Mayor and Town Commissioner, shall be conducted on a nonpartisan basis without any designation of political party affiliation, and those elected shall be chosen at large by the electors of the town.

(Ord. 2010-04, adopted 4-21-10)

§ 13-7. ORDINANCES PROPOSED BY CITIZENS' INITIATIVES.

(a) Preparation to circulate a petition.

(1) Formation of a political committee. As required by § 106.03, Florida Statutes, each political committee which is seeking the signatures of registered electors in support of an initiative shall file a statement of organization as provided in § 106.03, Florida Statutes, within ten days after its organization or, if later, within ten days after the date on which it has information which causes the committee to anticipate that it will receive contributions or make expenditures in excess of \$500. If a political committee is organized within ten days of any election, it shall immediately file the statement of organization required by this section. As used herein, the term "political committee" shall be as defined from time to time by § 106.011, Florida Statutes, and shall generally mean a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of \$500. Corporations regulated by Chapter 607 or Chapter 617, Florida Statutes or other business entities formed for purposes other than to support or oppose issues or candidates are not political committees if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities. The procedure afforded by this provision will provide a reporting method for the circulators to receive and expend funds to reproduce petitions and pay for their verification.

(2) Meeting with Town Attorney. Prior to preparing a petition to initiate a proposal to adopt a new Town Charter or code provision or amend or repeal a then existing provision of the Town Charter or code, the circulators proposing to circulate said petition should meet with the Town Attorney for coordination in drafting the appropriate language.

(3) Meeting with Town Clerk and supervisor of elections. After meeting with the Town Attorney, the circulators shall meet with the Town Clerk and the supervisor of elections to assure that the form of the petition and method of circulation meets the applicable requirements of law, the Charter, and this Code. The cost of said meeting(s), if any, shall be at the cost of the individuals proposing to circulate said petitions to initiate Charter or code alteration and shall not exceed the actual cost that is incurred.

(b) Any proposed ordinance, including ordinances for adoption of new provisions in the Charter or code, or the repeal or amendment of Charter provisions or ordinances then in effect, may be submitted to the Town Commission by petition signed by registered electors of the town as provided in the Town Charter. All petitions circulated with respect to any proposed Charter or ordinance proposal shall be uniform in character and shall contain the proposed ordinance in full. Each person executing said petition shall sign said elector's name substantially as provided in the elections rolls of the county supervisor of elections. Thereafter on said petition, each elector executing the aforesaid petition shall print said elector's name and street address, including the municipality of residence, date of execution of the aforesaid petition, voter registration identification number, date of birth, and election precinct number, all in ink. Failure to include all of this information on the petition shall cause the individual's petition signature to be invalidated. This information shall be placed on the petition adjacent to said elector's signature. The signatures on any such petition need not all be appended to one paper but to each page of said petition there shall be attached an affidavit by the circulators thereof stating: the number of signers to the portion of the petition so circulated; that each signature appended to the petition is the genuine signature of the person whose name it purports to be; and that said petition was signed in the presence of the affiant and on the date indicated. Said affidavit shall be completed before a notary public of the state and acknowledged thereby.

(c) Petitions submitted pursuant to division (b) must be gathered within a period of not more than 90 consecutive days which period shall be ascertained by examining the date of the earliest signed petition and the date of the latest signed petition as submitted to the Town Commission.

(d) Validation of petitions. Under the initiative and referendum process set forth in this section, it shall be the duty of the Town Clerk to assemble all copies of any petitions filed as one instrument and to examine the same and ascertain and validate within ten days of submission thereof whether signatures thereon were gathered within 90 days, and whether the petition has been properly completed to include all required information of town electors and properly attested to by circulator affiants. If at least the requisite number of signatures as required by the Charter or State Law, as applicable, on the petition do not meet the foregoing requirements, the Town Clerk shall not validate said petition, and notice of same shall be given promptly to the party submitting the petition. The petition shall be rejected by the Town Clerk.

(e) Verification of signatures on petitions. If at least the requisite number of signatures as required by the Charter on the petition do meet the foregoing requirements, the petition shall be validated by the Town Clerk pending submission to the county supervisor of elections to verify the signatures and registration status of those individuals executing the petition, all in a manner prescribed and permitted by Florida law. Only the signatures of town electors may be utilized to satisfy the Charter or state law requirements as to the minimum number of registered voters required to execute the afore-described petitions to alter the town code of ordinances or to alter the Charter. Any cost of signature verification of said petition signatures assessed by the supervisor of elections shall be subject to requirements set forth in § 99.097, Florida Statutes, as amended or superseded from time to time. Further, the Town Clerk shall obtain from the petition circulators payment for verification of the petition signatures prior to the time of submission of the petitions to the supervisor of elections. Said payment shall be in such amount as the supervisor of elections shall require, and this amount shall be submitted by the Town Clerk, together with the petitions.

(f) If the petition meets the requirements of divisions (b) through (e), the Town Commission shall call an election referendum of the town electors to approve or disapprove the proposed code or Charter amendment. Prior to setting the date of the referendum, notice shall be afforded to the supervisor of elections of the proposed referendum. Pursuant to § 100.151, Florida Statutes, the supervisor of elections' consent shall be obtained as to a date when the registration books can be available. This consent shall be obtained prior to setting the actual date of the referendum. Said referendum election shall be paid for by the town, and at the option of the Town Commission, the referendum may be conducted by mail ballot, or machine ballot at a polling place, all as permitted by Florida law.

(Ord. 2002-05, passed 4-17-02)

§§ 13-8. – 13-99. RESERVED.

§ 7A-52. SIGNS.

(a) Single-family districts:

(1) Permitted signs and regulations.

a. Signs permitted in 1-RS, 2-RS and 3-RS Single-Family Residential Districts shall be by sign exceptions as per subsection (g).

(b) Multi-family districts (4-RM, 5-RMO). Single-family dwellings in this district will follow sign criteria for single-family districts as per subsection (g).

(1) Permitted signs and size regulations: One attached sign or one freestanding sign shall be permitted per apartment complex. Attached signs shall not exceed 25% of the total surface area of the wall to which the sign is attached. In no case shall any attached sign exceed nine square feet in total surface area. Freestanding signs shall not exceed nine square feet in total area nor ten feet in height.

(c) Business districts (6-B, 7-C).

Permitted signs and size regulations:

a. One attached sign per business establishment excluding signs installed, affixed, or painted on windows or doors. Attached signs shall not exceed 10% of the total surface area of the front of the building to which the sign is attached or exceed 100 square feet in total surface area, whichever amount shall be less. Measurement of fronts of buildings will include false fronts and any mansard roof frontage. Signs shall not extend above the roof line for buildings with a flat roof or above the eave line for buildings with a sloped roof. Where multiple businesses occupy a building the cumulative total of attached signs shall not exceed 10% of the surface area of the front of the building or 100 square feet, whichever amount shall be less.

b. One freestanding sign per developed site. A maximum of 45 square feet of cumulative sign area shall be permitted on a development site. One or more businesses may advertise on the sign. If more than one sign is utilized on a development site then the signs shall be a minimum of 50 feet from any freestanding or shingle sign of a neighboring business. The maximum size of an individual sign when multiple signs are used on a development site is 32 square feet.

c. One shingle sign not to exceed 12 square feet per business establishment is permitted in lieu of the freestanding sign in front.

d. All business establishments are permitted one shingle sign at the rear of each establishment, provided said sign does not exceed 12 square feet.

e. Freestanding signs in the 6-B, 7-C and 8-B zoning districts shall be monument style signs. The sign shall be constructed of materials that are architecturally compatible with the primary building on the site. The sign shall not have internal lighting. Spot lights illuminating the sign shall be shielded so that the source of light is not visible to vehicular traffic or pedestrians. Shingle signs are not permitted for special exceptions. To the extent of any inconsistency in this section with other sections, with regard to special exceptions this sub-paragraph supersedes other provisions in this section.

(d) Residential-business districts (8-B).

Permitted signs and size regulations:

a. One attached sign or one freestanding sign shall be permitted per apartment complex.

b. One attached sign shall be permitted per business establishment. Attached signs shall not exceed 10% of the total surface area of the wall to which the sign is attached or exceed 16 square feet in total surface area except that buildings with over 30 feet of frontage may add an additional four square feet of sign for each ten linear feet of frontage over 30 feet. Attached signs for special exception uses shall be limited to a maximum of 16 square feet.

c. One freestanding sign per commercial structure shall be permitted.

d. The total surface area of all freestanding signs shall not exceed 25 square feet or 15 feet in height. Such signs must be a minimum of 20 feet from the front building line. Signs less than 20 feet are allowed but may not exceed ten feet in height and nine square feet in surface area.

e. Freestanding signs for special exception uses shall be monument style signs. The maximum size shall be 20 square feet. The maximum height shall be eight feet. The minimum setback is five feet. Only one freestanding sign is allowed per special exception site. The sign shall be constructed of materials that are architecturally compatible with the primary building on the site. The sign shall not have internal lighting. Spot lights illuminating the sign shall be shielded so that the source of light is not visible to vehicular traffic or pedestrians. To the extent of any inconsistency in this section with other sections, with regard to special exceptions this sub-paragraph supersedes other provisions in this section.

(e) Sign setbacks and additional regulations for all signs.

(1) Signs may be placed on the property line. No part of a sign may overhang adjacent property or the right-of-way. In no case may a freestanding or shingle sign be placed within 20 feet of an intersection unless the bottom of said sign is ten feet or more from the ground.

(2) Attached signs affixed to a building shall be placed only on the front facade or roof and shall not protrude above the roof line or beyond the side corners of the front facade, project out more than two feet from the wall or extend more than one-half the distance above the base of the roof to the roof peak.

(3) Signs of any type may not be placed on the roof of any structure.

(4) It shall be unlawful for any owner or permittee to fail to remove any sign after ten days which advertises business, real estate or products no longer conducted, available or for sale on the premises.

(5) Indirect lighting sources in use shall be shaded to eliminate glare on roadways, streets or surrounding properties.

(6) Internally lit signs and signs illuminated by neon lights or bare bulbs shall not exceed two footcandles illumination at any property line.

(f) Nonconforming signs.

(1) A sign or advertising structure existing within the Town limits on the effective date of Ordinance 85-7, passed November 12, 1985, or a sign or advertising structure existing in an area annexed to the Town after the effective date of this Land Development Code, which, by its height, square foot area, location, or use of structural support does not conform to the requirements of this Land Development Code shall hereafter be termed nonconforming.

(2) All nonconforming signs or advertising structures within the Town limits shall be permitted to remain until such time as:

- a. The sign or advertising structure becomes a hazard or obstruction.
- b. It becomes necessary to replace or rebuild the sign or building, at which time it shall conform to this section.

(3) No conforming sign or sign structure shall be erected on the same lot with an existing nonconforming sign until the nonconforming sign has been removed.

(g) Sign exceptions. The following signs are exempt from the provisions of this section:

(1) Memorial signs, tablets, plaques or names of buildings and date of erection when the same are two square feet or less in size and are cut into any masonry surface or when constructed of bronze or other noncombustible material.

(2) Property numbers and names of occupants of premises having no commercial connotations and shall not exceed one square foot of total surface area.

(3) Legal notices and identification, informational or directional signs erected or required by governmental bodies.

(4) Reserved.

(5) Traffic and other municipal signs, legal notices, and other safety directional signs.

(6) Private directional signs when not more than two square feet in surface area.

(7) Subdivision entrance signs not exceeding 32 square feet and not having any part of the sign structure exceeding eight feet in height. No more than two signs per entrance will be allowed.

(8) Bulletin boards and signs of churches, schools and clubs not exceeding 32 square feet in area and not exceeding one per organization. If located on a corner lot, a 32-square-foot sign facing each street is allowed.

(9) A construction or home improvement sign shall not exceed 16 square feet in surface area, not to be illuminated, and shall be removed immediately after completion of construction or improvement.

(10) Any dispensing mechanism positioned outside of a business premise such as for ice cream, candy, soda, newspapers and such or for fuel pumps and the like, with a trademark or identification; also, any lighting fixture for the sole purpose of aiding in after-dark business operations or safety with a trademark or identification.

(11) One real estate sign per interior lot or one sign facing each thoroughfare per corner lot shall be allowed. Real estate signs shall not exceed six square feet in total surface area or four feet in height.

(12) Political signs shall be permitted and display of the sign shall conform to the following:

- a. Maximum size of a political sign, four square feet.
- b. Signs may not be placed on rights-of-way.
- c. Political signs related to an election must be removed within 72 hours after the election.

(h) Prohibited signs.

(1) All other signs not specifically or provisionally permitted herein, such as, but not limited to, flashing signs, billboard signs and banner signs.

(2) No private sign (sign erected by a non-governmental person or entity) is permitted on rights-of-way.

(75 Code, Appendix A, Art. VII, § 4) (Ord. adopted 9-26-72; Am. Ord. 76-3, adopted 8-10-76; Am. Ord. 85-7, adopted 11-12-

85; Am. Ord. 87-02, adopted 5-12-87; Am. Ord. 2004-09, adopted 11-17-04; Am. Ord. 2008-08, adopted 9-3-08; Am. Ord. 2009-03, adopted 4-15-09; Am. Ord. 2011-02, adopted 6-15-11; Am. Ord. 2017-05, adopted 12-20-17) Penalty, see § 7A-177