

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 755
SPONSOR(S): Bean
TIED BILLS:

City of Lake Butler, Union County

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	7 Y, 0 N	Dominguez	Hamby
2) Ethics & Elections Committee			
3)			
4)			
5)			

SUMMARY ANALYSIS

The City of Lake Butler was created by ch. 12960, L.O.F., 1927. In 1963, the previous chapter law was repealed and replaced with ch. 63-1499, L.O.F., which created the charter of the City of Lake Butler. In 1990, ch. 90-477, L.O.F., amended ch. 63-1499, L.O.F., and replaced the city council with a city commission and revised the charter language to incorporate city commission status.

This bill amends s. 30 of ch. 99-477, L.O.F., to provide numbered commission seats. The bill designates when the various commission seats (1-5) will be scheduled for election and requires candidates to state which seat he or she wishes to occupy.

The bill allows for a candidate to be declared elected if he or she is the only qualified candidate for the particular seat he or she has qualified for.

The bill also amends s. 31 of ch. 99-477, L.O.F., to clarify various election qualification provisions. The bill clarifies that a candidate must be a resident of Lake Butler for at least six (6) months. This section also outlines a qualification period which is to consist of a 5-day period - beginning at noon on Monday and ending at noon on the following Friday - that is no less than 30 days prior to the scheduled election.

The attached Economic Impact Statement indicates the bill will have no fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background

The City of Lake Butler was created by ch. 12960, L.O.F., 1927. In 1963, the previous chapter law was repealed and replaced with ch. 63-1499, L.O.F., which created the charter of the City of Lake Butler. In 1990, ch. 90-477, L.O.F., amended ch. 63-1499, L.O.F., and replaced the city council with a city commission and revised the charter language to incorporate city commission status.

Currently, the City of Lake Butler holds its regular municipal elections on the fourth Tuesday in June of each even numbered year. These at-large members (commissioners) serve 4 year terms.

Relevant to the City's current elections provisions, the city commission is required to appoint the City's elections registration officer at least 30 days prior to any city election. Individuals who have been residents of the City for at least 6 months prior to the election may become candidates for election to the city commission by petition of 20 qualified electors.

Effect of Proposed Changes

This bill makes several changes to Article IV of the City of Lake Butler's charter¹. The bill assigns numbers (1 through 5) to each city commission seat. The bill calls for seats 1 and 2 to be scheduled for election in the same year and for seats 3, 4, 5 to be scheduled on a subsequent election year. All elections are to be held on even numbered years. The bill also calls for candidates for the office of city commissioner to designate, at the time of qualification, which seat he or she wishes to occupy.

The bill establishes that when there is only one qualifying candidate for a given seat, the need for an election is waived, and the sole qualifying candidate is to be declared elected at the end of the official qualifying period. The bill designates an official qualifying period that is to be a 5 day period, beginning at noon Monday and ending at noon on the following Friday, and must occur no less than 30 days prior to the scheduled election.

The bill also clarifies that one must be a resident of the city for at six (6) months in order to qualify as a candidate for city commission.

C. SECTION DIRECTORY:

Section 1:

- Amends s. 30 of ch. 99-477, L.O.F., to provide numbered commission seats.
- Designates when the various commission seats (1-5) will be scheduled for election.
- Requires candidate to designate which seat he or she wishes to occupy.
- States that when only one candidate has qualified for a particular seat, an election will not be required and that the one qualifying candidate is to be declared elected at the closing of the qualifying period.
- Amends s. 31 of ch. 99-477, L.O.F., to clarify qualification criteria and provisions.

¹ ch. 99-477, s. 30-31, L.O.F.

- Clarifies that any person who is a resident and has been a resident of Lake Butler for at least 6 months may qualify as a candidate for election.
- Clarifies when the qualifying period will occur and how long it will last.

Section 2: States that the bill will take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 6, 2005

WHERE?

Union County Times, City of Lake Butler, Union County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

On March 3, 2005, Mr. Richard Tillis, City Manager for the City of Lake Butler, provided the following information:

All of the proposed changes to the Charter relate to the local elections process.

- Change proposed adds specific time frames for opening and closing of qualifying period.
- Reduction in the period of time between qualifying and the election from 60 days to 30 days.
- All commissioners continue to run at-large and represent the citizens as a whole. (no district designations)
- Currently – if two seats are open and three candidates file, all must run a campaign and the two with the largest number of votes win seats. It is more expensive for candidates and adds additional cost for elections.
- Proposed – Under the same circumstances with two seats open, a candidate would designate which seat he wishes to occupy; he and the incumbent would then compete for the seat. The second seat would remain unopposed and thus not require a campaign, thereby reducing costs for the candidate and the election.
- If only incumbents file as candidates, no election is necessary.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.