

By Senator Dockery

15-00465-10

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1 A bill to be entitled
2 An act relating to congressional vacancies; amending
3 s. 100.101, F.S.; providing that a special election or
4 special primary election shall be held to fill a
5 vacancy in the office of a member from Florida of the
6 United States Senate; amending s. 100.111, F.S.;
7 providing that the Governor is not required to call a
8 special election to fill a vacancy in the office of a
9 member from Florida of the United States Senate if a
10 session of Congress is not scheduled during the
11 unexpired portion of the term; repealing s. 100.161,
12 F.S., relating to filling vacancies in the
13 representation of Florida in the United States Senate;
14 providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (4) of section 100.101, Florida
19 Statutes, is amended to read:

20 100.101 Special elections and special primary elections.—
21 Except as provided in s. 100.111(2), a special election or
22 special primary election shall be held in the following cases:

23 (4) If a vacancy occurs in the office of a member from
24 Florida of the Senate or House of Representatives of Congress.

25 Section 2. Subsection (3) of section 100.111, Florida
26 Statutes, is amended to read:

27 100.111 Filling vacancy.—

28 (3) Whenever there is a vacancy for which a special
29 election is required pursuant to s. 100.101, the Governor, after

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30 consultation with the Secretary of State, shall fix the dates of
31 a special primary election and a special election. Nominees of
32 political parties shall be chosen under the primary laws of this
33 state in the special primary election to become candidates in
34 the special election. Prior to setting the special election
35 dates, the Governor shall consider any upcoming elections in the
36 jurisdiction where the special election will be held. The dates
37 fixed by the Governor shall be specific days certain and shall
38 not be established by the happening of a condition or stated in
39 the alternative. The dates fixed shall provide a minimum of 2
40 weeks between each election. In the event a vacancy occurs in
41 the office of state senator or member of the House of
42 Representatives when the Legislature is in regular legislative
43 session, the minimum times prescribed by this subsection may be
44 waived upon concurrence of the Governor, the Speaker of the
45 House of Representatives, and the President of the Senate. If a
46 vacancy occurs in the office of state senator and no session of
47 the Legislature is scheduled to be held prior to the next
48 general election, the Governor may fix the dates for the special
49 primary election and for the special election to coincide with
50 the dates of the primary election and general election. If a
51 vacancy in office occurs in any district in the state Senate or
52 House of Representatives, in the representation of this state in
53 the Senate of the United States, or in any congressional
54 district, and no session of the Legislature, or session of
55 Congress, as applicable ~~if the vacancy is in a congressional~~
56 ~~district,~~ is scheduled to be held during the unexpired portion
57 of the term, the Governor is not required to call a special
58 election to fill such vacancy.

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59 (a) The dates for candidates to qualify in such special
60 election or special primary election shall be fixed by the
61 Department of State, and candidates shall qualify not later than
62 noon of the last day so fixed. The dates fixed for qualifying
63 shall allow a minimum of 14 days between the last day of
64 qualifying and the special primary election.

65 (b) The filing of campaign expense statements by candidates
66 in such special elections or special primaries and by committees
67 making contributions or expenditures to influence the results of
68 such special primaries or special elections shall be not later
69 than such dates as shall be fixed by the Department of State,
70 and in fixing such dates the Department of State shall take into
71 consideration and be governed by the practical time limitations.

72 (c) The dates for a candidate to qualify by the petition
73 process pursuant to s. 99.095 in such special primary or special
74 election shall be fixed by the Department of State. In fixing
75 such dates the Department of State shall take into consideration
76 and be governed by the practical time limitations. Any candidate
77 seeking to qualify by the petition process in a special primary
78 election shall obtain 25 percent of the signatures required by
79 s. 99.095.

80 (d) The qualifying fees and party assessments of such
81 candidates as may qualify shall be the same as collected for the
82 same office at the last previous primary for that office. The
83 party assessment shall be paid to the appropriate executive
84 committee of the political party to which the candidate belongs.

85 (e) Each county canvassing board shall make as speedy a
86 return of the result of such special primary elections and
87 special elections as time will permit, and the Elections

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88 Canvassing Commission likewise shall make as speedy a canvass
89 and declaration of the nominees as time will permit.

90 Section 3. Section 100.161, Florida Statutes, is repealed.

91 Section 4. This act shall take effect July 1, 2010.