

HB 7059

2016

1 A bill to be entitled

2 An act relating to election dates for municipal
3 office; amending s. 100.3605, F.S.; requiring
4 municipal elections to be held on certain dates
5 determined by the supervisor of elections or on
6 alternative fixed dates agreed to by the supervisor of
7 elections and all municipalities within the county;
8 providing applicability; preempting to the state the
9 authority to establish election dates for municipal
10 elections; providing construction; amending s.
11 100.361, F.S.; requiring municipal recall elections to
12 be held concurrently with municipal elections under
13 certain conditions; repealing s. 101.75, F.S.,
14 relating to change of dates for cause in municipal
15 elections; amending s. 166.021, F.S.; removing the
16 authorization for a municipality to select election
17 dates for its candidates and to change terms of office
18 as necessitated by a change in election dates;
19 providing that the terms of incumbent elected
20 municipal officers are extended until the next
21 municipal election; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (2) of section 100.3605, Florida
26 Statutes, is amended to read:

27 100.3605 Conduct of municipal elections.—

28 (2) (a) Notwithstanding any law, municipal charter
 29 provision, or municipal ordinance, all elections for municipal
 30 office within a county shall be held:

31 1. On the same date as the general election or on the
 32 first Tuesday after the first Monday in November of each odd-
 33 numbered year, or both, as determined by the supervisor of
 34 elections; or

35 2. On one alternative fixed date each year if the
 36 supervisor of elections and all municipalities within the county
 37 agree to the alternative fixed date. Before a municipal election
 38 is conducted pursuant to this subparagraph, each municipality
 39 within the county must adopt the alternative fixed date by
 40 ordinance. Each ordinance must provide the dates for qualifying
 41 for the election and the date on which the elected officers'
 42 terms of office commence ~~The governing body of a municipality~~
 43 ~~may, by ordinance, change the dates for qualifying and for the~~
 44 ~~election of members of the governing body of the municipality~~
 45 ~~and provide for the orderly transition of office resulting from~~
 46 ~~such date changes.~~

47 (b) This subsection does not affect the manner in which
 48 vacancies in municipal office are filled or recall elections for
 49 municipal officers are conducted.

50 (c) The Legislature expressly preempts to the state the
 51 authority to establish the dates of elections for municipal
 52 office. Notwithstanding any general law, special law, local law,

53 municipal charter, or municipal ordinance, this subsection
54 provides the exclusive method for establishing the dates of
55 elections for municipal office in this state. Any general law,
56 special law, local law, municipal charter, or municipal
57 ordinance that conflicts with this subsection is superseded to
58 the extent of the conflict.

59 Section 2. Subsection (4) of section 100.361, Florida
60 Statutes, is amended to read:

61 100.361 Municipal recall.—

62 (4) RECALL ELECTION.—If the person designated in the
63 petition files with the clerk, within 5 days after the last-
64 mentioned notice, his or her written resignation, the clerk
65 shall at once notify the governing body of that fact, and the
66 resignation shall be irrevocable. The governing body shall then
67 proceed to fill the vacancy according to the provisions of the
68 appropriate law. In the absence of a resignation, the chief
69 judge of the judicial circuit in which the municipality is
70 located shall fix a day for holding a recall election for the
71 removal of those not resigning. Any such election shall be held
72 not less than 30 days or more than 60 days after the expiration
73 of the 5-day period last-mentioned and at the same time as any
74 other general, municipal, or special election held within the
75 period; but if no such election is to be held within that
76 period, the judge shall call a special recall election to be
77 held within the period aforesaid.

78 Section 3. Section 101.75, Florida Statutes, is repealed.

79 Section 4. Subsection (4) of section 166.021, Florida
80 Statutes, is amended to read:

81 166.021 Powers.—

82 (4) The provisions of this section shall be so construed
83 as to secure for municipalities the broad exercise of home rule
84 powers granted by the constitution. It is the further intent of
85 the Legislature to extend to municipalities the exercise of
86 powers for municipal governmental, corporate, or proprietary
87 purposes not expressly prohibited by the constitution, general
88 or special law, or county charter and to remove any limitations,
89 judicially imposed or otherwise, on the exercise of home rule
90 powers other than those so expressly prohibited. However,
91 nothing in this act shall be construed to permit any changes in
92 a special law or municipal charter which affect the exercise of
93 extraterritorial powers or which affect an area which includes
94 lands within and without a municipality or any changes in a
95 special law or municipal charter which affect the creation or
96 existence of a municipality, the terms of elected officers and
97 the manner of their election except for the selection of
98 ~~election dates and qualifying periods for candidates and for~~
99 ~~changes in terms of office necessitated by such changes in~~
100 ~~election dates~~, the distribution of powers among elected
101 officers, matters prescribed by the charter relating to
102 appointive boards, any change in the form of government, or any
103 rights of municipal employees, without approval by referendum of
104 the electors as provided in s. 166.031. Any other limitation of

HB 7059

2016

105 power upon any municipality contained in any municipal charter
106 enacted or adopted prior to July 1, 1973, is hereby nullified
107 and repealed.

108 Section 5. To provide for an orderly transition of office,
109 the terms of incumbent elected municipal officers are extended
110 until the next municipal election held in accordance with this
111 act.

112 Section 6. This act shall take effect January 1, 2017.