



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; providing that the terms of incumbent
 16 elected municipal officers are extended until the next
 17 municipal election; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Subsection (2) of section 100.3605, Florida
 22 Statutes, is amended to read:

23 100.3605 Conduct of municipal elections.—

24 (2) (a) Each election for municipal office within a county
 25 must be held on the same date as the general election, if held
 26 in an even-numbered year, or on the first Tuesday after the



27 first Monday in November, if held in an odd-numbered year. The
28 supervisor of elections shall determine whether elections for
29 municipal office are held within the county in even-numbered
30 years, odd-numbered years, or both.

31 (b) If a municipal charter or ordinance requires a runoff
32 format for the municipality's elections for municipal office and
33 such elections are held:

34 1. In an even-numbered year, the municipality must hold
35 its initial election at the primary election held on the Tuesday
36 10 weeks before the general election and its runoff election at
37 the general election.

38 2. In an odd-numbered year, the municipality must hold its
39 initial election at an election held on the Tuesday 10 weeks
40 before the election held on the first Tuesday after the first
41 Monday in November. The municipality must hold its runoff
42 election at the election held on the first Tuesday after the
43 first Monday in November.

44 (c) In lieu of paragraph (a), if the supervisor of
45 elections and all of the municipalities within a county, except
46 municipalities that are exempt pursuant to paragraph (e), agree
47 to conduct elections for municipal office on one alternative
48 fixed date each year, elections for municipal office in the
49 county may be held each year on the agreed upon alternative
50 fixed date. Before a municipal election is conducted pursuant to
51 this paragraph, each municipality within the county must adopt
52 the alternative fixed date by ordinance. Each ordinance must



53 provide the dates for qualifying for the election and the dates
54 on which the elected officers' terms of office commence.

55 (d) For purposes of this subsection, if a municipality is
56 located within more than one county, the municipality is
57 considered part of the county in which a majority of the
58 municipality's land area is located.

59 (e) A municipality is exempt from this subsection if it
60 conducts its elections for municipal office without assistance
61 from the supervisor of elections. Assistance from the supervisor
62 of elections does not include a municipality's use of the voting
63 devices of the voting system used in the county. An exempt
64 municipality is not required to agree to the alternative fixed
65 date established pursuant to paragraph (c).

66 (f) This subsection does not affect the manner in which
67 vacancies in municipal office are filled or recall elections for
68 municipal officers are conducted.

69 (g) Notwithstanding any general law, special law, local
70 law, municipal charter, or municipal ordinance, this subsection
71 provides the exclusive method for establishing the dates of
72 elections for municipal office in this state. Any general law,
73 special law, local law, municipal charter, or municipal
74 ordinance that conflicts with this subsection is superseded to
75 the extent of the conflict.

76 (3) The governing body of a municipality may, by
77 ordinance, ~~change the dates for qualifying and for the election~~
78 ~~of members of the governing body of the municipality and provide~~



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79 for the orderly transition of office resulting from election
80 ~~such~~ date changes.

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

83 100.361 Municipal recall.—

84 (4) RECALL ELECTION.—If the person designated in the
85 petition files with the clerk, within 5 days after the last-
86 mentioned notice, his or her written resignation, the clerk
87 shall at once notify the governing body of that fact, and the
88 resignation shall be irrevocable. The governing body shall then
89 proceed to fill the vacancy according to the provisions of the
90 appropriate law. In the absence of a resignation, the chief
91 judge of the judicial circuit in which the municipality is
92 located shall fix a day for holding a recall election for the
93 removal of those not resigning. Any such election shall be held
94 not less than 30 days or more than 60 days after the expiration
95 of the 5-day period last-mentioned and at the same time as
96 anyother general, municipal, or special election held within the
97 period; but if no such election is to be held within that
98 period, the judge shall call a special recall election to be
99 held within the period aforesaid.

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

101 Section 4. To provide for an orderly transition of office,
102 the terms of incumbent elected municipal officers are extended
103 until the next municipal election held in accordance with this
104 act.



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Section 5. This act shall take effect January 1, 2017.