

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Caldwell offered the following:

2
3 **Amendment to Amendment (918094) (with title amendment)**

4 Remove line 163 of the amendment and insert:

5 Section 9. Effective July 1, 2020, section 100.3605,
6 Florida Statutes, is amended to read:

7 100.3605 Conduct of municipal elections.—

8 (1) The Florida Election Code, chapters 97-106, shall
9 govern the conduct of a municipality's election in the absence
10 of an applicable special act, charter, or ordinance provision.

11 No charter or ordinance provision shall be adopted which
12 conflicts with or exempts a municipality from any provision in

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13 the Florida Election Code that expressly applies to
14 municipalities.

15 (2) (a) The governing body of a municipality shall
16 determine if an election for municipal office is held on one of
17 the following dates:

18 1. The same date as the general election;

19 2. The first Tuesday after the first Monday in November in
20 an odd-numbered year; or

21 3. The third Tuesday in March except, in a presidential
22 election year, on the date of the presidential preference
23 primary.

24 (b) If a municipal charter or ordinance requires a runoff
25 election for municipal office, the governing body of a
26 municipality shall conduct its elections in one of the following
27 formats:

28 1. The initial election shall be held at the primary
29 election on the Tuesday 10 weeks before the general election and
30 the runoff election shall be held on the same date as the
31 general election.

32 2. The initial election shall be held at an election on
33 the Tuesday 10 weeks before the election held on the first
34 Tuesday after the first Monday in November in an odd-numbered
35 year and the runoff election shall be held at an election on the
36 first Tuesday after the first Monday in November in an odd-
37 numbered year.

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38 3. The initial election shall be held at an election on
39 the Tuesday 10 weeks before the third Tuesday in March and the
40 runoff election shall be held at an election on the third
41 Tuesday in March. However, in a presidential election year, the
42 initial election shall be held on the Tuesday 10 weeks before
43 the date of the presidential preference primary and the runoff
44 election shall be held on the date of the presidential
45 preference primary.

46 (c) Notwithstanding paragraph (a), if a municipality
47 conducts its election for municipal office without assistance
48 from the supervisor of elections, uses no more than three
49 polling locations to hold its election, and does not require a
50 runoff election, the municipality shall determine if an election
51 for municipal office is held on any of the dates provided in
52 paragraph (a) or paragraph (b). Assistance from the supervisor
53 of elections does not include a municipality's use of the voting
54 devices of the voting system used in the county.

55 (d) This subsection does not affect the manner in which
56 vacancies in municipal office are filled or recall elections for
57 municipal officers are conducted.

58 (e) Notwithstanding any general law, special law, local
59 law, municipal charter, or municipal ordinance, this subsection
60 provides the exclusive method for establishing the dates of
61 elections for municipal office in this state. Any general law,
62 special law, local law, municipal charter, or municipal

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63 ordinance that conflicts with this subsection is superseded to
64 the extent of the conflict.

65 (3) The governing body of a municipality may, by
66 ordinance, ~~change the dates for qualifying and for the election~~
67 ~~of members of the governing body of the municipality and provide~~
68 for the orderly transition of office resulting from election
69 ~~such~~ date changes.

70 Section 10. Effective July 1, 2020, subsection (4) of
71 section 100.361, Florida Statutes, is amended to read:

72 100.361 Municipal recall.—

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

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87 | period, the judge shall call a special recall election to be
88 | held within the period aforesaid.

89 | Section 11. Effective July 1, 2020, section 101.75,
90 | Florida Statutes, is repealed.

91 | Section 12. To provide for an orderly transition of
92 | office, the terms of incumbent elected municipal officers in
93 | office on July 1, 2020, shall be extended until the next
94 | municipal election held in accordance with this act.

95 | Section 13. Except as otherwise expressly provided in this
96 | act, this act shall take effect July 1, 2017.

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99 | **T I T L E A M E N D M E N T**

100 | Remove lines 192-193 of the amendment and insert:
101 | returned checks, to conform; amending s. 100.3605, F.S.;
102 | requiring the governing body of a municipality to determine the
103 | date on which initial and runoff elections for municipal office
104 | are held and providing options therefor; preempting the state
105 | the authority to establish election dates for municipal
106 | elections; providing construction; amending s. 100.361, F.S.;
107 | requiring municipal recall elections to be held concurrently
108 | with municipal elections under certain conditions; providing for
109 | the future repeal of s. 101.75, F.S., relating to change of
110 | dates for cause in municipal elections; extending the terms of

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111 incumbent elected municipal officers until the next municipal
112 election; providing effective dates.

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