By Senator Passidomo

28-01112-17   2017990__

1   A bill to be entitled

2   An act relating to municipal election dates; amending

3   s. 100.3605, F.S.; requiring municipal elections to be

4   held on certain dates determined by the supervisor of

5   elections or on alternative fixed dates agreed to by

6   the supervisor of elections and all municipalities

7   within the county; providing applicability; preempting

8   to the state the authority to establish election dates

9   for municipal elections; providing construction;

10   amending s. 100.361, F.S.; requiring municipal recall

11   elections to be held concurrently with municipal

12   elections under certain conditions; repealing s.

13   101.75, F.S., relating to change of dates for cause in

14   municipal elections; providing that the terms of

15   incumbent elected municipal officers are extended

16   until the next municipal election; providing an

17   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

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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 its

35 initial election at the primary election held on the Tuesday 10

36 weeks before the general election and its runoff election at the

37 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.

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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 ordinance,
77 ~~change the dates for qualifying and for the election of members~~
78 ~~of the governing body of the municipality and~~ provide for the
79 orderly transition of office resulting from election ~~such~~ date
80 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

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

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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 any
96 other 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.
105   Section 5. This act shall take effect January 1, 2018.