

By the Committee on Ethics and Elections; and Senator Hutson

582-02941-18

20181262c1

1 A bill to be entitled

2 An act relating to election dates for municipal
3 office; amending s. 100.3605, F.S.; requiring the
4 governing body of a municipality to determine the
5 dates on which initial and runoff elections for
6 municipal office are held and providing options
7 therefor; preempting to the state the authority to
8 establish election dates for municipal elections;
9 providing construction; amending s. 100.361, F.S.;
10 requiring municipal recall elections to be held
11 concurrently with municipal elections under certain
12 conditions; repealing s. 101.75, F.S., relating to
13 change of dates for cause in municipal elections;
14 extending the terms of incumbent elected municipal
15 officers until the next municipal election; providing
16 an effective date.

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

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20 Section 1. Section 100.3605, Florida Statutes, is amended
21 to read:

22 100.3605 Conduct of municipal elections.—

23 (1) The Florida Election Code, chapters 97-106, shall
24 govern the conduct of a municipality's election in the absence
25 of an applicable special act, charter, or ordinance provision.
26 No charter or ordinance provision shall be adopted which
27 conflicts with or exempts a municipality from any provision in
28 the Florida Election Code that expressly applies to
29 municipalities.

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30 (2) (a) The governing body of a municipality shall determine
31 if an election for municipal office is held on the same date as
32 the general election, the first Tuesday after the first Monday
33 in November in an odd-numbered year, or the third Tuesday in
34 March. However, a municipality may not conduct more than one
35 municipal general election cycle in the same calendar year.

36 (b) If a municipal charter or ordinance requires a runoff
37 election for municipal office, the governing body of a
38 municipality shall conduct its elections in one of the following
39 formats:

40 1. The initial election shall be held at the primary
41 election on the Tuesday 10 weeks before the general election,
42 and the runoff election shall be held on the same date as the
43 general election.

44 2. The initial election shall be held at an election on the
45 Tuesday 10 weeks before the election held on the first Tuesday
46 after the first Monday in November in an odd-numbered year, and
47 the runoff election shall be held at an election on the first
48 Tuesday after the first Monday in November in an odd-numbered
49 year.

50 3. The initial election shall be held at an election on the
51 Tuesday 10 weeks before the third Tuesday in March, and the
52 runoff election shall be held at an election on the third
53 Tuesday in March.

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

57 (d) Notwithstanding any general law, special law, local
58 law, municipal charter, or municipal ordinance, this subsection

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59 provides the sole method for establishing the dates of elections
60 for municipal office in this state. Any general law, special
61 law, local law, municipal charter, or municipal ordinance that
62 conflicts with this subsection is superseded to the extent of
63 the conflict.

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

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

71 100.361 Municipal recall.—

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

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

89 Section 4. To provide for an orderly transition of office,
90 the term of each incumbent elected municipal officer is extended
91 until the next municipal election held in accordance with this
92 act.

93 Section 5. This act shall take effect July 1, 2020.