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 an initial and runoff election 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.
17	
18	Be It Enacted by the Legislature of the State of Florida:
19	
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.
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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.
30	(2) (a) The governing body of a municipality shall
31	determine if an election for municipal office is held on the
32	same date as the general election, the first Tuesday after the
33	first Monday in November in an odd-numbered year, or the third
34	Tuesday in March in an odd-numbered year or even-numbered year.
35	(b) If a municipal charter or ordinance requires a runoff
36	election for municipal office, the governing body of a
37	municipality shall conduct its elections in one of the following
38	formats:
39	1. The initial election shall be held at the primary
40	election on the Tuesday 10 weeks before the general election and
41	the runoff election shall be held on the same date as the
42	general election.
43	2. The initial election shall be held at an election on
44	the Tuesday 10 weeks before the election held on the first
45	Tuesday after the first Monday in November in an odd-numbered
46	year and the runoff election shall be held at an election on the
47	first Tuesday after the first Monday in November in an odd-
48	numbered year.
49	3. The initial election shall be held at an election on
50	the Tuesday 10 weeks before the third Tuesday in March and the
<u>.</u>	Page 2 of 4

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51	runoff election shall be held at an election on the third
52	Tuesday in March.
53	(c) This subsection does not affect the manner in which
54	vacancies in municipal office are filled or the manner in which
55	recall elections for municipal officers are conducted.
56	(d) Notwithstanding any general law, special law, local
57	law, municipal charter, or municipal ordinance, this subsection
58	provides the sole method for establishing the dates of elections
59	for municipal office in this state. Any general law, special
60	law, local law, municipal charter, or municipal ordinance that
61	conflicts with this subsection is superseded to the extent of
62	the conflict.
63	(3) The governing body of a municipality may, by
64	ordinance, <del>change the dates for qualifying and for the election</del>
65	of members of the governing body of the municipality and provide
66	for the orderly transition of office resulting from <u>election</u>
67	such date changes.
68	Section 2. Subsection (4) of section 100.361, Florida
69	Statutes, is amended to read:
70	100.361 Municipal recall
71	(4) RECALL ELECTIONIf the person designated in the
72	petition files with the clerk, within 5 days after the last-
73	mentioned notice, his or her written resignation, the clerk
74	shall at once notify the governing body of that fact, and the
75	resignation shall be irrevocable. The governing body shall then
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76 proceed to fill the vacancy according to the provisions of the 77 appropriate law. In the absence of a resignation, the chief 78 judge of the judicial circuit in which the municipality is 79 located shall fix a day for holding a recall election for the 80 removal of those not resigning. Any such election shall be held 81 not less than 30 days or more than 60 days after the expiration 82 of the 5-day period last-mentioned and at the same time as any 83 other general, municipal, or special election held within the period; but if no such election is to be held within that 84 85 period, the judge shall call a special recall election to be 86 held within the period aforesaid. 87 Section 3. Section 101.75, Florida Statutes, is repealed. Section 4. To provide for an orderly transition of office, 88 89 the term of each incumbent elected municipal officer is extended 90 until the next municipal election held in accordance with this 91 act. 92 Section 5. This act shall take effect July 1, 2020.

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