

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SB 1416

INTRODUCER: Senator DiCeglie

SUBJECT: Election Dates for Municipal Office

DATE: April 1, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	<b>Favorable</b>
2.			CA	
3.			RC	

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**I. Summary:**

SB 1416 requires elections for municipal offices to be held on the same date as the general election and prescribes implementation provisions.

The bill extends the terms of incumbent elected municipal officers until the next municipal election held in accordance with the change in election date.

The bill takes effect July 1, 2025.

**II. Present Situation:**

Article VI, s. 5(a) of the Florida Constitution requires a general election to be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election. Section 100.031, F.S., incorporates that constitutional provision into statute, but also requires a general election to be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective federal and district officer whose term will expire before the next general election.

Article VI, s. 6 of the Florida Constitution provides that registration and elections in municipalities must, and in other governmental entities created by statute may, be provided by general law. The Florida Election Code,<sup>1</sup> which is a collection of general laws, governs the conduct of municipal elections in the absence of an applicable special act, charter, or ordinance.<sup>2</sup> However, no act, charter, or ordinance may be adopted which conflicts with or exempts a

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<sup>1</sup> Chapters 97-106, F.S., are known as "The Florida Election Code."

<sup>2</sup> Section 100.3605(1), F.S.

municipality from any provision in the Florida Election Code that expressly applies to municipalities.<sup>3</sup>

Elections for municipal officers are conducted during the general election in November of even-numbered years unless the governing body of a municipality has adopted an ordinance to change the dates for qualifying and for the election of members of the governing body of the municipality.<sup>4</sup> The ordinance may also provide for the orderly transition of office resulting from the date changes.<sup>5</sup>

Section 101.75, F.S., allows the governing body of a municipality to move the date of any municipal election to a date concurrent with any statewide or countywide election provided the election date and dates for qualifying for the election are specifically provided for in the ordinance.<sup>6</sup> However, if the voting devices used in the county are not available to the municipality during the statewide or countywide election, the municipality may provide that its election will be held 30 days before or after the statewide or countywide election.<sup>7</sup>

A member of the governing body of a municipality may be removed from office by the electors of the municipality provided certain requirements are met.<sup>8</sup> If the requirements are met but the municipal officer does not resign his or her office, a municipal recall election is held for the removal of that officer.<sup>9</sup> A municipal recall election is held in conjunction with a general or special election if such an election is held during the defined timeframe for conducting a recall election.<sup>10</sup>

A municipality pays for the printing and delivery of ballots and instruction cards for a municipal election.<sup>11</sup>

### III. Effect of Proposed Changes:

SB 1416 requires elections for municipal offices to be held on the same date as the general election.

If a municipal charter or ordinance requires a runoff format for the municipality's elections:

- The municipality must hold its initial election on the same date as the primary election;<sup>12</sup> and
- The runoff must be held on the same date as the general election.

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<sup>3</sup> *Id.*

<sup>4</sup> Section 100.3605(2), F.S.; *see also* s. 166.021(4), F.S.

<sup>5</sup> Section 100.3605(2), F.S.

<sup>6</sup> Section 101.75(3), F.S.

<sup>7</sup> Section 101.75(1), F.S.

<sup>8</sup> Section 100.361, F.S. Grounds for recall include malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, and a conviction of a felony involving moral turpitude.

<sup>9</sup> Section 100.361(4), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 101.21, F.S.

<sup>12</sup> The primary election is held on the Tuesday 11 weeks before the general election (s. 100.061, F.S.).

The bill specifies that it:

- Does not affect processes for filling vacancies in municipal offices or for municipal recall elections.
- Supersedes any law, charter, or ordinance that conflicts with its establishment of municipal election dates.

The bill adds municipal elections to the types of elections with which a recall election must be held concurrently, if such an election is held during the defined timeframe for conducting a recall election.

The bill also specifies that to provide for an orderly transition of office, the terms of incumbent elected municipal officers are extended until the next municipal election held in accordance with the bill's provisions.

The bill takes effect July 1, 2025.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

This bill may require some municipalities to spend funds or take action requiring the expenditure of funds in order to comply with the new election date requirements created by the bill; however, Art. VII, section 18 of the Florida Constitution explicitly exempts election laws from the county/municipality "mandates" provision within that section.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 100.3605 and 100.361.

This bill repeals the following section of the Florida Statutes: 101.75.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.