

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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BILL #: [CS/HB 4003](#)

TITLE: City of Marco Island, Collier County

SPONSOR(S): Benarroch

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 114 Y's

0 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill amends the charter of the City of Marco Island to require a special election to fill city council vacancies that occur more than one year before a general election. If a vacancy occurs within one year of a general election, the bill requires the city council to appoint a qualified citizen within 60 days who will hold office until the next general election. If the city council does not act within the applicable timeframes, the bill provides that the Governor must fill the vacancy or call a special election.

The bill is subject to approval by the qualified electors of the city voting in a referendum to be held on November 3, 2026.

Fiscal or Economic Impact:

The bill may have an indeterminate negative impact on the City of Marco Island to the extent a special election is necessary to fill any vacancies on the city council.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

ANALYSIS

EFFECT OF THE BILL:

If approved by a majority vote in a referendum, the bill [amends the charter](#) of the [City of Marco Island](#) to revise the process for filling [city council](#) vacancies. The bill requires the city council to adopt a resolution calling for a special election to be held within 130 days of a city council vacancy occurring, unless the vacancy occurs within one year before a general election. If a vacancy occurs within one year of a general election, the city council must appoint a qualified citizen to hold office until the next general election. Appointees must meet the requirements to qualify as a candidate for a city council seat. The bill revises procedures for filling a vacancy on the city council by providing for gubernatorial appointment to fill the vacancy if the city council does not appoint a qualified citizen within 60 days and requiring the Governor to call a special election within 10 days if the city has not adopted a resolution to hold a special election within 30 days. (Section [1](#))

The bill provides that the charter amendment is subject to approval by electors of the City of Marco Island voting in a referendum to be held at the 2026 general election. The bill provides ballot language for the referendum and requires the referendum to be held in accordance with the Florida Election Code. (Section [2](#))

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, with the charter amendment subject to approval by electors of the City of Marco Island voting in a referendum to be held on November 3, 2026. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminant negative impact on the City of Marco Island to the extent a special election is necessary to fill any vacancies on the city council. According to the Economic Impact Statement submitted for the

STORAGE NAME: h4003z.IAS

DATE: 3/20/2026

bill, the City Clerk of the City of Marco Island estimates it would cost between \$60,000 and \$70,000 to conduct a special election.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Charter Amendments](#)

The Florida Constitution provides that municipalities may be established or abolished and their charters amended pursuant to general or special law.¹ General law authorizes the governing body of a municipality to adopt an ordinance to submit a proposed charter amendment for approval by the electors at a referendum.² Alternatively, the electors of a municipality may submit a proposed charter amendment through a petition signed by 10 percent of the registered electors. The referendum to adopt a charter amendment may be held at the next general election within the municipality or at a special election, as stated in the ordinance or petition.

If the charter amendment is approved by a majority of electors voting in the referendum, the governing body of the municipality incorporates the amendment into its charter and files a revised charter with the Secretary of State.³ Amendments to the charter become effective on the date specified in the amendment or as otherwise provided in the charter.

Municipal Office Vacancies

Each municipality is required to establish procedures for filling a vacancy in office caused by death, resignation, or removal from office by ordinance or charter provision.⁴ This requirement includes procedures for filling a vacancy among candidates for a municipal office that results from death, withdrawal, or removal from the ballot of a qualified candidate after the end of the qualifying period (if the removal leaves fewer than two candidates for an office).

[City of Marco Island](#)

The City of Marco Island (City) was incorporated in 1997.⁵ The City is located in Collier County near the City of Naples and is centered on the largest barrier island within Southwest Florida's Ten Thousand Islands area.⁶ The City's 24 square miles include over six miles of beach and over 100 miles of waterways. The permanent population is 16,521, with a peak winter season population of approximately 40,000.

[Marco Island City Council](#)

Marco Island's city council is comprised of seven members elected at-large.⁷ Members are elected to serve four-year terms with a lifetime limit of eight years in office.⁸ Each candidate for a city council seat must be a qualified elector of the City and have been a resident for at least one year prior to the qualifying.⁹

¹ [Art. VIII, s. 2\(a\), Fla. Const.](#) *But see* Art. VIII, s. 11(1)(g), Fla. Const. (1885), incorporated by reference in [art. VIII, s. 6\(e\), Fla. Const.](#) (Miami-Dade County Charter provides the exclusive method for amending or repealing the charter of any municipality in Miami-Dade County).

² [S. 166.031\(1\), F.S.](#)

³ [S. 166.031\(2\), F.S.](#)

⁴ [S. 166.031\(6\), F.S.](#)

⁵ Ch. 97-367, Laws of Fla.

⁶ City of Marco Island, [Present Day Marco Island](#) (last visited Dec. 10, 2025).

⁷ City of Marco Island Charter, [art. III, s. 3.01](#).

⁸ City of Marco Island Charter, [art. III, s. 3.02](#).

⁹ City of Marco Island Charter, [art. V, s. 5.03](#).

The city charter provides that a seat on the city council becomes vacant if a member resigns the office, dies in office, is removed from office as authorized by law, or forfeits the office.¹⁰ The city council may determine by a majority vote that a member has forfeited his or her seat if the council member:

- Ceases to maintain permanent residence in the City or otherwise ceases to be a qualified elector of the City;
- Is absent from six regular meetings of the council during any calendar year, or from any four consecutive regular meetings of the council, whether or not during the same calendar year, unless excused by a majority vote of the council; or
- Is incapacitated and unable to fulfill the responsibility of the office.¹¹

If a vacancy occurs on the city council, the charter requires council members to appoint a person to fill the vacancy by majority vote within 60 days. If the remainder of the term is:

- Twenty-eight months or less, the appointed member serves the remainder of the term.
- More than 28 months, the appointed member serves until the next regularly scheduled City election, where the vacancy is filled following the City's election process.¹²

Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.¹³ A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website¹⁴ at least 30 days prior to the introduction of the local bill in the House or Senate.¹⁵

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.¹⁶ Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement](#)

¹⁰ City of Marco Island Charter, [art. III, s. 3.05\(1\)](#). See also [s. 112.51\(1\), F.S.](#) (providing for suspension and removal of municipal officers by the Governor in event of malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties) and [s. 112.51\(2\), F.S.](#) (providing for suspension and removal of municipal officers by the Governor in event of a municipal official being arrested for a felony or a misdemeanor).

¹¹ City of Marco Island Charter, [art. III, s. 3.05\(2\)](#).

¹² City of Marco Island Charter, [art. III, s. 3.05\(3\)](#).

¹³ [Art. III, s. 10, Fla. Const.](#)

¹⁴ [S. 50.0311\(2\), F.S.](#)

¹⁵ [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

¹⁶ Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Dec. 10, 2025).