

HB 4003

2026

1 A bill to be entitled
2 An act relating to the City of Marco Island, Collier
3 County; amending the City of Marco Island Charter,
4 created by chapter 97-367, Laws of Florida, and as
5 amended by local ordinances; requiring a special
6 election be held to fill any vacancy on the city
7 council upon a resolution adopted by the council;
8 providing an exception for vacancies occurring within
9 1 year before a general election; revising the
10 circumstances under which the Governor is required to
11 fill vacancies; requiring a referendum; providing
12 effective dates.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 **Section 1. Subsection (3) of section 3.05 of Article III**
17 **of chapter 97-367, Laws of Florida, as amended by City of Marco**
18 **Island Ordinance No. 02-20 and City of Marco Island Ordinance**
19 **No. 09-15, is amended to read:**

20 ARTICLE III - LEGISLATIVE
21 Section 3.05 - Vacancies.

22 (3) (a) A vacancy on the Council shall be filled by holding
23 a special election for the unexpired term to be called by the
24 city clerk upon a resolution adopted by the Council. The special
25 election shall be held within ninety (90) days after the

26 occurrence of the vacancy, unless the vacancy occurs within one
27 (1) year before a general election of city officials, in which
28 event the Council shall, within sixty (60) days after the
29 occurrence of such vacancy, by a majority vote, appoint a
30 citizen qualified under section 5.03 of the Charter who shall
31 hold office until the next general election.

32 (b) If four or more Council vacancies occur at one time or
33 the Council does not appoint a qualified citizen to fill a
34 vacancy within sixty (60) days, the Governor shall fill such
35 vacancies until successors are chosen at the next regular
36 election. as follows:

37 ~~(a) If a vacancy occurs and the remainder of the unexpired~~
38 ~~term is 28 months or less, the remaining Council Members shall,~~
39 ~~within sixty (60) days following the occurrence of such vacancy,~~
40 ~~by majority vote of the Council Members, appoint a person to~~
41 ~~fill the vacancy for the remainder of the unexpired term.~~

42 ~~(b) If the remainder of the unexpired term exceeds 28~~
43 ~~months, the remaining Council Members shall, within sixty (60)~~
44 ~~days following the occurrence of such vacancy, by majority vote~~
45 ~~of the Council Members seated, appoint a person to fill the~~
46 ~~vacancy until the next regularly scheduled City election at~~
47 ~~which the balance of the term for the seat shall be filled in~~
48 ~~accordance with Article V.~~

49 ~~(c) If four or more Council vacancies occur at one time,~~
50 ~~the Governor shall fill such vacancies until successors are~~

~~chosen at the next regular election.~~

Section 2. Referendum election.—

(1) A referendum on the adoption of section 1 of this act shall be held on November 3, 2026, concurrent with the 2026 general election.

(2) The ballot title for the referendum question shall be in substantially the following form: "REVISIONS TO CITY OF MARCO ISLAND'S PROCEDURES FOR FILLING VACANT CITY COUNCIL SEATS."

(3) The referendum question shall be placed on the ballot in substantially the following form:
Shall Chapter 2026- , Laws of Florida, which amends the charter of the City of Marco Island to provide that, beginning with the 2026 general election, a special election is required to be held within 90 days after any Council vacancy, upon a resolution adopted by the Council, unless the vacancy occurs within 1 year before a general election, in which event the Council shall appoint a qualified citizen to hold office until the next general election; and to provide for appointment by the Governor of certain vacancies, become effective?

() YES.

() NO.

(4) The referendum shall be conducted by the Supervisor of Elections of Collier County in accordance with the Florida

76 Election Code.

77 **Section 3.** This act shall take effect only upon its
78 approval by a majority vote of qualified electors residing in
79 the City of Marco Island voting in a referendum held on November
80 3, 2026, concurrent with the 2026 general election, except that
81 section 2 and this section shall take effect upon becoming a
82 law.