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CS/HB 4003

2026 Legislature

1  
 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; providing for the Governor to call a  
 12 special election in certain circumstances; requiring a  
 13 referendum; providing effective dates.

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

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

21 ARTICLE III - LEGISLATIVE

22 Section 3.05 - Vacancies.

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

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26 election shall be held within 130 days after the occurrence of  
27 the vacancy, unless the vacancy occurs within one (1) year  
28 before a general election of city officials, in which event the  
29 Council shall, within 60 days after the occurrence of such  
30 vacancy, by a majority vote, appoint a citizen who meets the  
31 requirements for qualification under section 5.03(1) of the  
32 Charter who shall hold office until the next general election.

33 (b) If four or more Council vacancies occur at one time or  
34 the Council does not appoint a qualified citizen to fill a  
35 vacancy within 60 days when appointment is required by paragraph  
36 (a), the Governor shall fill such vacancies until successors are  
37 chosen at the next regular election.

38 (c) If the Council does not adopt a resolution to call a  
39 special election within 30 days after the occurrence of the  
40 vacancy when a special election is required by paragraph (a),  
41 the Governor shall call a special election within 10 days. as  
42 follows:

43 ~~(a) If a vacancy occurs and the remainder of the unexpired~~  
44 ~~term is 28 months or less, the remaining Council Members shall,~~  
45 ~~within sixty (60) days following the occurrence of such vacancy,~~  
46 ~~by majority vote of the Council Members, appoint a person to~~  
47 ~~fill the vacancy for the remainder of the unexpired term.~~

48 ~~(b) If the remainder of the unexpired term exceeds 28~~  
49 ~~months, the remaining Council Members shall, within sixty (60)~~  
50 ~~days following the occurrence of such vacancy, by majority vote~~

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51 ~~of the Council Members seated, appoint a person to fill the~~  
 52 ~~vacancy until the next regularly scheduled City election at~~  
 53 ~~which the balance of the term for the seat shall be filled in~~  
 54 ~~accordance with Article V.~~

55 ~~(c) If four or more Council vacancies occur at one time,~~  
 56 ~~the Governor shall fill such vacancies until successors are~~  
 57 ~~chosen at the next regular election.~~

58 Section 2. Referendum election.-

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

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

65 (3) The referendum question shall be placed on the ballot  
 66 in substantially the following form:

67 Shall Chapter 2026- , Laws of Florida, amending the  
 68 charter of the City of Marco Island to require a special  
 69 election to fill a Council vacancy, unless the vacancy  
 70 occurs within 1 year before a general election, in which  
 71 event the Council shall appoint a qualified citizen to hold  
 72 office until the next general election; and to provide for  
 73 the Governor to call a special election or appoint a  
 74 Council member in certain circumstances, become effective?

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76 ( ) YES.

77 ( ) NO.

78

79 (4) The referendum shall be conducted by the Supervisor of  
80 Elections of Collier County in accordance with the Florida  
81 Election Code.

82 Section 3. This act shall take effect only upon its  
83 approval by a majority vote of qualified electors residing in  
84 the City of Marco Island voting in a referendum held on November  
85 3, 2026, concurrent with the 2026 general election, except that  
86 section 2 and this section shall take effect upon becoming a  
87 law.