

By Senator Polsky

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1 A bill to be entitled
2 An act relating to special elections; amending s.
3 100.111, F.S.; revising the timeframe during which a
4 vacancy that occurs in an elective office must be
5 filled by candidates qualifying within the timeframes
6 provided by general law; requiring, rather than
7 authorizing, the Governor to call a special primary
8 election and a special election under a certain
9 circumstance; requiring the Governor to fix the dates
10 of a special election within a specified timeframe
11 after the vacancy occurs; requiring the Governor to
12 consult with the Secretary of State and the applicable
13 supervisor of elections before setting the special
14 election dates; requiring that such dates be the
15 earliest dates feasible; revising and providing
16 timeframes for special primary elections and special
17 elections under certain circumstances; authorizing
18 qualified electors to file a petition in the circuit
19 court seeking judicial determination of an election
20 date under specified conditions; providing that, under
21 specified circumstances, the court has the authority
22 to fix and declare the dates for a special election;
23 requiring the courts to expedite such proceedings;
24 providing exceptions to the timeframes to hold a
25 special election; deleting the authority of the
26 Governor, the President of the Senate, and the Speaker
27 of the House of Representatives to waive specified
28 timeframes if all parties concur; requiring the
29 Governor to fix dates to coincide with an already

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30 scheduled election; requiring that special elections
31 to fill certain vacancies be held no later than the
32 election for which a resigning officer seeks to
33 qualify; providing that certain persons are deemed
34 elected under specified circumstances; making
35 technical changes; amending s. 100.141, F.S.;

36 requiring the Governor to consult with certain
37 supervisors of election, in addition to the Secretary
38 of State, before issuing an order declaring the date
39 of a special election; requiring that such order be
40 issued within a specified timeframe after the
41 occurrence of a vacancy; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Subsections (1) and (2) of section 100.111,
46 Florida Statutes, are amended to read:

47 100.111 Filling vacancy.—

48 (1) (a) If any vacancy occurs in any office which is
49 required to be filled pursuant to s. 1(f), Art. IV of the State
50 Constitution and the remainder of the term of such office is 28
51 months or longer, then at the next general election a person
52 must ~~shall~~ be elected to fill the unexpired portion of such
53 term, commencing on the first Tuesday after the first Monday
54 following such general election.

55 (b) If such a vacancy occurs before ~~prior to~~ the ninth day
56 before the first day set by law for qualifying for election to
57 office at such general election, any person seeking nomination
58 or election to the unexpired portion of the term must ~~shall~~

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59 qualify within the time prescribed by law for qualifying for
60 other offices to be filled by election at such general election.

61 (c) If such a vacancy occurs before ~~prior to~~ the primary
62 election but on or after the ninth day before the first day set
63 by law for qualifying, the Secretary of State must ~~shall~~ set
64 dates for qualifying for the unexpired portion of the term of
65 such office. Any person seeking nomination or election to the
66 unexpired portion of the term must ~~shall~~ qualify within the time
67 set by the Secretary of State. If time does not permit party
68 nominations to be made in conjunction with the primary election,
69 the Governor must ~~may~~ call a special primary election to select
70 party nominees for the unexpired portion of such term and, if
71 necessary, a special election.

72 (2) Whenever there is a vacancy for which a special
73 election is required pursuant to s. 100.101, the Governor, ~~after~~
74 ~~consultation with the Secretary of State,~~ shall fix the dates of
75 a special primary election and a special election within 14 days
76 after the vacancy occurs. Nominees of political parties shall be
77 chosen under the primary laws of this state in the special
78 primary election to become candidates in the special election.

79 (a) Before ~~Prior to~~ setting the special election dates, the
80 Governor shall consult with the Secretary of State and the
81 supervisor of elections ~~consider any upcoming elections in the~~
82 ~~jurisdiction~~ where the special election will be held. The dates
83 fixed by the Governor must ~~shall~~ be the earliest dates feasible,
84 must be specific days certain, and may ~~shall~~ not be established
85 by the happening of a condition or stated in the alternative.
86 The dates fixed must ~~shall~~ provide a minimum of 8 ~~2~~ weeks
87 between each election, but no more than 12 weeks. If a vacancy

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88 occurs in the office of state senator or member of the House of
89 Representatives less than 126 days before the first day of the
90 regular legislative session, the Governor must, within 5 days
91 after the occurrence of the vacancy, fix the dates of a special
92 primary election and a special election to fill the vacancy. The
93 dates set by the Governor must provide for at least 2 weeks
94 between the special primary election and the special election
95 and must ensure that both elections are held before the first
96 day of the regular legislative session to prevent a lapse in
97 representation.

98 1. If the Governor fails to issue an order setting the
99 dates of the special primary election and special election
100 within the days prescribed in this subsection, any qualified
101 elector residing within the affected district may file a
102 petition in the circuit court having jurisdiction seeking
103 judicial determination of such election dates.

104 2. Upon finding that the Governor has failed to comply with
105 this subsection, the circuit court shall have the authority to
106 fix and declare the earliest feasible and lawful dates for the
107 special primary election and special election, consistent with
108 the requirements of this chapter and the Florida Election Code.

109 3. The court shall expedite consideration of any petition
110 filed under this subsection to ensure the timely filling of the
111 vacancy and to safeguard the right of representation for voters
112 within the affected district.

113 (b) The special election must be held no later than 126
114 days after the vacancy occurs, except in the following cases:

115 1. If a supervisor where the special election will be held
116 certifies that holding the special election within the required

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117 time period would conflict with scheduled elections and impose
118 an undue hardship on the orderly administration of elections,
119 the special election must be held no later than 175 days after
120 the vacancy occurs.

121 ~~2. In the event a vacancy occurs in the office of state~~
122 ~~senator or member of the House of Representatives when the~~
123 ~~Legislature is in regular legislative session, the minimum times~~
124 ~~prescribed by this subsection may be waived upon concurrence of~~
125 ~~the Governor, the Speaker of the House of Representatives, and~~
126 ~~the President of the Senate. If a vacancy occurs in the office~~
127 ~~of state senator and no session of the Legislature is scheduled~~
128 ~~to be held prior to the next general election, the Governor may~~
129 ~~fix the dates for the special primary election and for the~~
130 ~~special election to coincide with the dates of the primary~~
131 ~~election and general election.~~

132 3. If a vacancy in office occurs in any district in the
133 state Senate or House of Representatives or in any congressional
134 district, and no session of the Legislature, or session of
135 Congress if the vacancy is in a congressional district, is
136 scheduled to be held during the unexpired portion of the term,
137 the Governor is not required to call a special election to fill
138 such vacancy.

139 (c) If possible, the Governor must fix dates to coincide
140 with scheduled elections where the special election will be
141 held. A special election held to fill a vacancy caused by a
142 resignation submitted pursuant to s. 99.012 must be held no
143 later than the election for which the resigning officer seeks to
144 qualify.

145 (d) ~~(a)~~ The dates for candidates to qualify in such special

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146 election or special primary election must ~~shall~~ be fixed by the
147 Department of State, and candidates must ~~shall~~ qualify no ~~not~~
148 later than noon of the last day so fixed. The dates fixed for
149 qualifying must ~~shall~~ allow a minimum of 14 days between the
150 last day of qualifying and the special primary election.

151 (e) ~~(b)~~ The filing of campaign expense statements by
152 candidates in such special elections or special primaries and by
153 committees making contributions or expenditures to influence the
154 results of such special primaries or special elections may ~~shall~~
155 ~~be not~~ be later than such dates as ~~shall be~~ fixed by the
156 Department of State, and in fixing such dates the Department of
157 State shall take into consideration and be governed by the
158 practical time limitations.

159 (f) ~~(e)~~ The dates for a candidate to qualify by the petition
160 process pursuant to s. 99.095 in such special primary or special
161 election shall be fixed by the Department of State. In fixing
162 such dates the Department of State shall take into consideration
163 and be governed by the practical time limitations. Any candidate
164 seeking to qualify by the petition process in a special primary
165 election must ~~shall~~ obtain 25 percent of the signatures required
166 by s. 99.095.

167 (g) ~~(d)~~ The qualifying fees and party assessments of such
168 candidates as may qualify must ~~shall~~ be the same as collected
169 for the same office at the last previous primary for that
170 office. The party assessment must ~~shall~~ be paid to the
171 appropriate executive committee of the political party to which
172 the candidate belongs.

173 (h) ~~(e)~~ Each county canvassing board shall make as speedy a
174 return of the result of such special primary elections and

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175 special elections as time will permit, and the Elections
176 Canvassing Commission likewise shall make as speedy a canvass
177 and declaration of the nominees as time will permit.

178 (i) If only one candidate qualifies in a special election,
179 he or she is deemed elected on the last day of the qualifying
180 period. If the winner of a special primary election does not
181 have opposition in the special election, he or she is deemed
182 elected at the special primary election. In either case, the
183 person elected takes office upon election or upon the office
184 becoming vacant, whichever occurs later.

185 Section 2. Subsection (1) of section 100.141, Florida
186 Statutes, is amended to read:

187 100.141 Notice of special election to fill any vacancy in
188 office.—

189 (1) Whenever a special election is required to fill any
190 vacancy in office, the Governor, after consultation with the
191 Secretary of State and the supervisor of elections of any
192 affected county, shall issue an order declaring on what day the
193 election shall be held and deliver the order to the Department
194 of State. The Governor shall issue the order within 14 days
195 after the occurrence of the vacancy or, for vacancies arising
196 due to a resignation pursuant to s. 99.012, within 14 days after
197 the written resignation is submitted to the Governor, whichever
198 is sooner.

199 Section 3. This act shall take effect July 1, 2026.