

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

Governor, the President of the Senate, and the Speaker of the House of Representatives to waive specified timeframes if all parties concur; requiring the Governor to fix dates to coincide with an already scheduled election; requiring that special elections to fill certain vacancies be held no later than the election for which a resigning officer seeks to qualify; providing that certain persons are deemed elected under specified circumstances; making technical changes; amending s. 100.141, F.S.; requiring the Governor to consult with certain supervisors of election, in addition to the Secretary of State, before issuing an order declaring the date of a special election; requiring that such order be issued within a specified timeframe after the occurrence of a vacancy; providing an effective date.

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

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

100.111 Filling vacancy.—

(1)(a) If any vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the State 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~~
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,
80 the 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
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
105 with this subsection, the circuit court shall have the authority
106 to fix and declare the earliest feasible and lawful dates for
107 the special primary election and special election, consistent
108 with the requirements of this chapter and the Florida Election
109 Code.

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

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

116 1. If a supervisor where the special election will be held
117 certifies that holding the special election within the required
118 time period would conflict with scheduled elections and impose
119 an undue hardship on the orderly administration of elections,
120 the special election must be held no later than 175 days after
121 the vacancy occurs.

122 2. In the event a vacancy occurs in the office of state
123 senator or member of the House of Representatives when the
124 Legislature is in regular legislative session, the minimum times
125 prescribed by this subsection may be waived upon concurrence of

126 ~~the Governor, the Speaker of the House of Representatives, and~~
127 ~~the President of the Senate.~~ If a vacancy occurs in the office
128 of state senator and no session of the Legislature is scheduled
129 to be held prior to the next general election, the Governor may
130 fix the dates for the special primary election and for the
131 special election to coincide with the dates of the primary
132 election and general election.

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

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

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

151 last day of qualifying and the special primary election.

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

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

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

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

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

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

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

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

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

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