

By the Committees on Community Affairs; and Ethics and Elections; and Senator Hutson

578-03462-18

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1 A bill to be entitled
2 An act relating to election dates for municipal
3 office; amending s. 100.3605, F.S.; requiring the
4 governing body of a municipality to determine the
5 dates on which initial and runoff elections for
6 municipal office are held and providing options
7 therefor; requiring counties that have established
8 certain dates for the election of municipal officers
9 through a special act to conduct municipal elections
10 on specified dates; preempting to the state the
11 authority to establish election dates for municipal
12 elections; providing construction; amending s.
13 100.361, F.S.; requiring municipal recall elections to
14 be held concurrently with municipal elections under
15 certain conditions; repealing s. 101.75, F.S.,
16 relating to change of dates for cause in municipal
17 elections; extending the terms of incumbent elected
18 municipal officers until the next municipal election;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 100.3605, Florida Statutes, is amended
24 to read:

25 100.3605 Conduct of municipal elections.—

26 (1) The Florida Election Code, chapters 97-106, shall
27 govern the conduct of a municipality's election in the absence
28 of an applicable special act, charter, or ordinance provision.
29 No charter or ordinance provision shall be adopted which

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30 conflicts with or exempts a municipality from any provision in
31 the Florida Election Code that expressly applies to
32 municipalities.

33 (2) (a) The governing body of a municipality shall determine
34 if an election for municipal office is held on the same date as
35 the general election, the first Tuesday after the first Monday
36 in November in an odd-numbered year, or the third Tuesday in
37 March in an odd-numbered year or even-numbered year, or any
38 combination thereof.

39 (b) If a municipal charter or ordinance requires a runoff
40 election for municipal office, the governing body of a
41 municipality shall conduct its elections in any of the following
42 formats:

43 1. The initial election shall be held at the primary
44 election on the Tuesday 10 weeks before the general election and
45 the runoff election shall be held on the same date as the
46 general election.

47 2. The initial election shall be held at an election on the
48 Tuesday 10 weeks before the election held on the first Tuesday
49 after the first Monday in November in an odd-numbered year and
50 the runoff election shall be held at an election on the first
51 Tuesday after the first Monday in November in an odd-numbered
52 year.

53 3. The initial election shall be held at an election on the
54 Tuesday 7 weeks before the third Tuesday in March and the runoff
55 election shall be held at an election on the third Tuesday in
56 March.

57 (c) Any county for which a special act has established a
58 date for the election of municipal officers applicable to all

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59 municipalities within its jurisdiction occurring on a date other
60 than that of the general election or on the first Tuesday after
61 the first Monday in November of an odd-numbered year shall have
62 the election date for all municipalities within its jurisdiction
63 be the third Tuesday in March. If a municipality within such a
64 county requires a runoff election for municipal office, such
65 municipality shall conduct its elections in accordance with
66 subparagraph (b)3.

67 (d) This subsection does not affect the manner in which
68 vacancies in municipal office are filled or the manner in which
69 recall elections for municipal officers are conducted.

70 (e) Notwithstanding any general law, special law, local
71 law, municipal charter, or municipal ordinance, this subsection
72 provides the sole method for establishing the dates of elections
73 for municipal office in this state. Any general law, special
74 law, local law, municipal charter, or municipal ordinance that
75 conflicts with this subsection is superseded to the extent of
76 the conflict.

77 (3) The governing body of a municipality may, by ordinance,
78 change the dates for qualifying and for the election of members
79 of the governing body of the municipality and provide for the
80 orderly transition of office resulting from election ~~such~~ date
81 changes.

82 Section 2. Subsection (4) of section 100.361, Florida
83 Statutes, is amended to read:

84 100.361 Municipal recall.—

85 (4) RECALL ELECTION.—If the person designated in the
86 petition files with the clerk, within 5 days after the last-
87 mentioned notice, his or her written resignation, the clerk

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88 shall at once notify the governing body of that fact, and the
89 resignation shall be irrevocable. The governing body shall then
90 proceed to fill the vacancy according to the provisions of the
91 appropriate law. In the absence of a resignation, the chief
92 judge of the judicial circuit in which the municipality is
93 located shall fix a day for holding a recall election for the
94 removal of those not resigning. Any such election shall be held
95 not less than 30 days or more than 60 days after the expiration
96 of the 5-day period last-mentioned and at the same time as any
97 other general, municipal, or special election held within the
98 period; but if no such election is to be held within that
99 period, the judge shall call a special recall election to be
100 held within the period aforesaid.

101 Section 3. Section 101.75, Florida Statutes, is repealed.

102 Section 4. To provide for an orderly transition of office,
103 the term of each incumbent elected municipal officer is extended
104 until the next municipal election held in accordance with this
105 act.

106 Section 5. This act shall take effect July 1, 2020.