

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 4003](#)

**TITLE:** City of Marco Island, Collier County

**SPONSOR(S):** Benarroch

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Intergovernmental Affairs](#)

15 Y, 0 N, As CS



[Government Operations](#)

14 Y, 0 N



[State Affairs](#)

## SUMMARY

### **Effect of the Bill:**

The bill amends the charter of the City of Marco Island to require a special election to fill city council vacancies that occur more than one year before a general election. If a vacancy occurs within one year of a general election, the bill requires the city council to appoint a qualified citizen within 60 days who will hold office until the next general election. If the city council does not act within the applicable timeframes, the bill provides that the Governor shall fill the vacancy or call a special election.

The bill is subject to approval by the qualified electors of the city voting in a referendum to be held on November 3, 2026.

### **Fiscal or Economic Impact:**

The bill may have an indeterminate negative impact on the City of Marco Island to the extent a special election is necessary to fill any vacancies on the city council.

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## ANALYSIS

### **EFFECT OF THE BILL:**

If approved by a majority vote in a referendum, the bill [amends the charter](#) of the [City of Marco Island](#) to revise the process for filling [city council](#) vacancies. The bill requires the city council adopt a resolution to call a special election to be held within 130 days of a city council vacancy occurring, unless the vacancy occurs within one year before a general election. If a vacancy occurs within one year of a general election, the city council must appoint a qualified citizen to hold office until the next general election. Appointees must meet the requirements to qualify as a candidate for a city council seat. The bill revises procedures for filling a vacancy on the city council by providing for gubernatorial appointment to fill the vacancy if the city council does not appoint a qualified citizen within 60 days and requiring the Governor to call a special election within 10 days if the city has not adopted a resolution to hold a special election within 30 days. (Section [1](#))

The bill provides that the charter amendment is subject to approval by electors of the City of Marco Island voting in a referendum to be held at the 2026 general election. The bill provides ballot language for the referendum and requires the referendum to be held in accordance with the Florida Election Code. (Section [2](#))

The bill provides that the changes to the charter only take effect upon its approval by a majority vote of the qualified electors of the City of Marco Island voting in a referendum, and sections 2 and 3 of the bill take effect upon becoming a law. (Section [3](#))

**STORAGE NAME:** h4003c.GOS

**DATE:** 12/10/2025

**FISCAL OR ECONOMIC IMPACT:****LOCAL GOVERNMENT:**

The bill may have an indeterminant negative impact on the City of Marco Island to the extent a special election is necessary to fill any vacancies on the city council. According to the Economic Impact Statement submitted for the bill, the City Clerk of the City of Marco Island estimates it would cost between \$60,000 and \$70,000 to conduct a special election.

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****Charter Amendments**

The Florida Constitution provides that municipalities may be established or abolished and their charters amended pursuant to general or special law.<sup>1</sup> General law authorizes the governing body of a municipality to adopt an ordinance to submit a proposed charter amendment for approval by the electors at a referendum.<sup>2</sup> Alternatively, the electors of a municipality may submit a proposed charter amendment through a petition signed by 10 percent of the registered electors. The referendum to adopt a charter amendment may be held at the next general election within the municipality or at a special election, as stated in the ordinance or petition.

If the charter amendment is approved by a majority of electors voting in the referendum, the governing body of the municipality incorporates the amendment into its charter and files a revised charter with the Secretary of State.<sup>3</sup> Amendments to the charter become effective on the date specified in the amendment or as otherwise provided in the charter.

**Municipal Office Vacancies**

Each municipality is required to establish procedures for filling a vacancy in office caused by death, resignation, or removal from office by ordinance or charter provision.<sup>4</sup> This requirement includes procedures for filling a vacancy among candidates for a municipal office that results from death, withdrawal, or removal from the ballot of a qualified candidate after the end of the qualifying period (if the removal leaves fewer than two candidates for an office).

**City of Marco Island**

The City of Marco Island (City) was incorporated in 1997.<sup>5</sup> The City is located in Collier County near the City of Naples and is centered on the largest barrier island within Southwest Florida's Ten Thousand Islands area.<sup>6</sup> The City's 24 square miles include over six miles of beach and over 100 miles of waterways. The permanent population is 16,521, with a peak winter season population of approximately 40,000.

<sup>1</sup> [Art. VIII, s. 2\(a\), Fla. Const.](#) *But see* Art. VIII, s. 11(1)(g), Fla. Const. (1885), incorporated by reference in [art. VIII, s. 6\(e\), Fla. Const.](#) (Miami-Dade County Charter provides the exclusive method for amending or repealing the charter of any municipality in Miami-Dade County).

<sup>2</sup> [S. 166.031\(1\), F.S.](#)

<sup>3</sup> [S. 166.031\(2\), F.S.](#)

<sup>4</sup> [S. 166.031\(6\), F.S.](#)

<sup>5</sup> Ch. 97-367, Laws of Fla.

<sup>6</sup> City of Marco Island, [Present Day Marco Island](#) (last visited Dec. 3, 2025).

## [Marco Island City Council](#)

Marco Island's city council is comprised of seven members elected at-large.<sup>7</sup> Members are elected to serve four-year terms with a lifetime limit of eight years in office.<sup>8</sup> Each candidate for a city council seat must be a qualified elector of the City and have been a resident for at least one year prior to the qualifying.<sup>9</sup>

The city charter provides that a seat on the city council becomes vacant if a member resigns the office, dies in office, is removed from office as authorized by law, or forfeits the office.<sup>10</sup> The city council may determine by a majority vote that a member has forfeited his or her seat if the council member:

- Ceases to maintain permanent residence in the City or otherwise ceases to be a qualified elector of the City,
- Is absent from six regular meetings of council during any calendar year, or from any four consecutive regular meetings of council, whether or not during the same calendar year, unless excused by a majority vote of the council, or
- Is incapacitated and unable to fulfill the responsibility of the office.<sup>11</sup>

If a vacancy occurs on the city council, the charter requires council members to appoint a person to fill the vacancy by majority vote within 60 days. If the remainder of the term is:

- 28 months or less, the appointed member serves the remainder of the term.
- More than 28 months, the appointed member serves until the next regularly scheduled city election, where the vacancy is filled following the City's election process.<sup>12</sup>

## **Local Bill Forms**

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.<sup>13</sup> A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website<sup>14</sup> at least 30 days prior to the introduction of the local bill in the House or Senate.<sup>15</sup> The bill will take effect only upon its approval in a referendum held on November 3, 2026.

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.<sup>16</sup> Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement](#)

<sup>7</sup> City of Marco Island Charter, [art. III, s. 3.01](#).

<sup>8</sup> City of Marco Island Charter, [art. III, s. 3.02](#).

<sup>9</sup> City of Marco Island Charter, [art. V, s. 5.03](#).

<sup>10</sup> City of Marco Island Charter, [art. III, s. 3.05\(1\)](#). See also [s. 112.51\(1\), F.S.](#) (providing for suspension and removal of municipal officers by the Governor in event of malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties) and [s. 112.51\(2\), F.S.](#) (providing for suspension and removal of municipal officers by the Governor in event of a municipal official being arrested for a felony or a misdemeanor).

<sup>11</sup> City of Marco Island Charter, [art. III, s. 3.05\(2\)](#).

<sup>12</sup> City of Marco Island Charter, [art. III, s. 3.05\(3\)](#).

<sup>13</sup> [Art. III, s. 10, Fla. Const.](#)

<sup>14</sup> [S. 50.0311\(2\), F.S.](#)

<sup>15</sup> [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

<sup>16</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Dec. 3, 2025).

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Intergovernmental Affairs Subcommittee</a>	15 Y, 0 N, As CS	11/18/2025	Darden	Hilliard
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Increases the amount of time for the city to hold a special election from 90 days to 130 days.</li> <li>Requires the Governor to call a special election within 10 days if the city council does not call a required special election within 30 days.</li> <li>Revises ballot language.</li> </ul>			
<a href="#">Government Operations Subcommittee</a> <a href="#">State Affairs Committee</a>	14 Y, 0 N	12/10/2025	Toliver	Lines

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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