

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 an initial and runoff election for
 6 municipal office are held and providing options
 7 therefor; preempting to the state the authority to
 8 establish election dates for municipal elections;
 9 providing construction; amending s. 100.361, F.S.;
 10 requiring municipal recall elections to be held
 11 concurrently with municipal elections under certain
 12 conditions; repealing s. 101.75, F.S., relating to
 13 change of dates for cause in municipal elections;
 14 extending the terms of incumbent elected municipal
 15 officers until the next municipal election; providing
 16 an effective date.

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

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 20 Section 1. Section 100.3605, Florida Statutes, is amended
 21 to read:

22 100.3605 Conduct of municipal elections.—

23 (1) The Florida Election Code, chapters 97-106, shall
 24 govern the conduct of a municipality's election in the absence
 25 of an applicable special act, charter, or ordinance provision.

26 No charter or ordinance provision shall be adopted which
 27 conflicts with or exempts a municipality from any provision in
 28 the Florida Election Code that expressly applies to
 29 municipalities.

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

35 (b) If a municipal charter or ordinance requires a runoff
 36 election for municipal office, the governing body of a
 37 municipality shall conduct its elections in one of the following
 38 formats:

39 1. The initial election shall be held at the primary
 40 election on the Tuesday 10 weeks before the general election and
 41 the runoff election shall be held on the same date as the
 42 general election.

43 2. The initial election shall be held at an election on
 44 the Tuesday 10 weeks before the election held on the first
 45 Tuesday after the first Monday in November in an odd-numbered
 46 year and the runoff election shall be held at an election on the
 47 first Tuesday after the first Monday in November in an odd-
 48 numbered year.

49 3. The initial election shall be held at an election on
 50 the Tuesday 10 weeks before the third Tuesday in March and the

51 runoff election shall be held at an election on the third
 52 Tuesday in March.

53 (c) This subsection does not affect the manner in which
 54 vacancies in municipal office are filled or the manner in which
 55 recall elections for municipal officers are conducted.

56 (d) Notwithstanding any general law, special law, local
 57 law, municipal charter, or municipal ordinance, this subsection
 58 provides the sole method for establishing the dates of elections
 59 for municipal office in this state. Any general law, special
 60 law, local law, municipal charter, or municipal ordinance that
 61 conflicts with this subsection is superseded to the extent of
 62 the conflict.

63 (3) The governing body of a municipality may, by
 64 ordinance, ~~change the dates for qualifying and for the election~~
 65 ~~of members of the governing body of the municipality and provide~~
 66 for the orderly transition of office resulting from election
 67 ~~such~~ date changes.

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

70 100.361 Municipal recall.—

71 (4) RECALL ELECTION.—If the person designated in the
 72 petition files with the clerk, within 5 days after the last-
 73 mentioned notice, his or her written resignation, the clerk
 74 shall at once notify the governing body of that fact, and the
 75 resignation shall be irrevocable. The governing body shall then

76 | proceed to fill the vacancy according to the provisions of the
77 | appropriate law. In the absence of a resignation, the chief
78 | judge of the judicial circuit in which the municipality is
79 | located shall fix a day for holding a recall election for the
80 | removal of those not resigning. Any such election shall be held
81 | not less than 30 days or more than 60 days after the expiration
82 | of the 5-day period last-mentioned and at the same time as any
83 | other general, municipal, or special election held within the
84 | period; but if no such election is to be held within that
85 | period, the judge shall call a special recall election to be
86 | held within the period aforesaid.

87 | Section 3. Section 101.75, Florida Statutes, is repealed.

88 | Section 4. To provide for an orderly transition of office,
89 | the term of each incumbent elected municipal officer is extended
90 | until the next municipal election held in accordance with this
91 | act.

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