



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

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29 Section 1. Subsection (2) of section 100.3605, Florida  
30 Statutes, is amended to read:

31 100.3605 Conduct of municipal elections.—

32 (2) (a) Notwithstanding any law, municipal charter  
33 provision, or municipal ordinance to the contrary, all elections  
34 for municipal office within a county shall be held:

35 1. On the same date as the general election or on the  
36 first Tuesday after the first Monday in November of each odd-  
37 numbered year, or both, as determined by the supervisor of  
38 elections; or

39 2. On one alternative fixed date each year if the  
40 supervisor of elections and all municipalities within the county  
41 agree to the alternative fixed date. Before municipal elections  
42 may be conducted pursuant to this subparagraph, each  
43 municipality within the county must adopt the alternative fixed  
44 date by ordinance. In addition, each ordinance must provide the  
45 dates for qualifying for the election and the date on which the  
46 elected officers' terms of office commence ~~The governing body of~~  
47 ~~a municipality may, by ordinance, change the dates for~~  
48 ~~qualifying and for the election of members of the governing body~~  
49 ~~of the municipality and provide for the orderly transition of~~  
50 ~~office resulting from such date changes.~~

51 (b) This subsection does not affect the manner in which  
52 vacancies in municipal office are filled or recall elections for

53 municipal officers are conducted.

54 (c) The Legislature expressly preempts to the state the  
 55 authority to establish the dates of elections for municipal  
 56 office. Notwithstanding any general law, special law, local law,  
 57 municipal charter, or municipal ordinance to the contrary, this  
 58 subsection provides the exclusive method for establishing the  
 59 dates of elections for municipal office in this state. Any  
 60 general law, special law, local law, municipal charter, or  
 61 municipal ordinance that conflicts with this subsection is  
 62 hereby superseded to the extent of the conflict.

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

65 100.361 Municipal recall.—

66 (4) RECALL ELECTION.—If the person designated in the  
 67 petition files with the clerk, within 5 days after the last-  
 68 mentioned notice, his or her written resignation, the clerk  
 69 shall at once notify the governing body of that fact, and the  
 70 resignation shall be irrevocable. The governing body shall then  
 71 proceed to fill the vacancy according to the provisions of the  
 72 appropriate law. In the absence of a resignation, the chief  
 73 judge of the judicial circuit in which the municipality is  
 74 located shall fix a day for holding a recall election for the  
 75 removal of those not resigning. Any such election shall be held  
 76 not less than 30 days or more than 60 days after the expiration  
 77 of the 5-day period last-mentioned and at the same time as any  
 78 other general, municipal, or special election held within the

79 | period; but if no such election is to be held within that  
 80 | period, the judge shall call a special recall election to be  
 81 | held within the period aforesaid.

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

83 |       Section 4. Subsection (4) of section 166.021, Florida  
 84 | Statutes, is amended to read:

85 |             166.021 Powers.—

86 |             (4) The provisions of this section shall be so construed  
 87 | as to secure for municipalities the broad exercise of home rule  
 88 | powers granted by the constitution. It is the further intent of  
 89 | the Legislature to extend to municipalities the exercise of  
 90 | powers for municipal governmental, corporate, or proprietary  
 91 | purposes not expressly prohibited by the constitution, general  
 92 | or special law, or county charter and to remove any limitations,  
 93 | judicially imposed or otherwise, on the exercise of home rule  
 94 | powers other than those so expressly prohibited. However,  
 95 | nothing in this act shall be construed to permit any changes in  
 96 | a special law or municipal charter which affect the exercise of  
 97 | extraterritorial powers or which affect an area which includes  
 98 | lands within and without a municipality or any changes in a  
 99 | special law or municipal charter which affect the creation or  
 100 | existence of a municipality, the terms of elected officers and  
 101 | the manner of their election except for the selection of  
 102 | ~~election dates and qualifying periods for candidates and for~~  
 103 | ~~changes in terms of office necessitated by such changes in~~  
 104 | ~~election dates,~~ the distribution of powers among elected

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105 officers, matters prescribed by the charter relating to  
106 appointive boards, any change in the form of government, or any  
107 rights of municipal employees, without approval by referendum of  
108 the electors as provided in s. 166.031. Any other limitation of  
109 power upon any municipality contained in any municipal charter  
110 enacted or adopted prior to July 1, 1973, is hereby nullified  
111 and repealed.

112 Section 5. To provide for an orderly transition of office,  
113 the terms of incumbent elected municipal officers shall be  
114 extended until the next municipal election held in accordance  
115 with this act.

116 Section 6. This act shall take effect January 1, 2017.