

CHAPTER 2026-188

Committee Substitute for House Bill No. 4003

An act relating to the City of Marco Island, Collier County; amending the City of Marco Island Charter, created by chapter 97-367, Laws of Florida, and as amended by local ordinances; requiring a special election be held to fill any vacancy on the city council upon a resolution adopted by the council; providing an exception for vacancies occurring within 1 year before a general election; revising the circumstances under which the Governor is required to fill vacancies; providing for the Governor to call a special election in certain circumstances; requiring a referendum; providing effective dates.

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

Section 1. Subsection (3) of section 3.05 of Article III of chapter 97-367, Laws of Florida, as amended by City of Marco Island Ordinance No. 02-20 and City of Marco Island Ordinance No. 09-15, is amended to read:

ARTICLE III - LEGISLATIVE

Section 3.05 – Vacancies.

(3)(a) A vacancy on the Council shall be filled by holding a special election for the unexpired term to be called by the city clerk upon a resolution adopted by the Council. The special election shall be held within 130 days after the occurrence of the vacancy, unless the vacancy occurs within one (1) year before a general election of city officials, in which event the Council shall, within 60 days after the occurrence of such vacancy, by a majority vote, appoint a citizen who meets the requirements for qualification under section 5.03(1) of the Charter who shall hold office until the next general election.

(b) If four or more Council vacancies occur at one time or the Council does not appoint a qualified citizen to fill a vacancy within 60 days when appointment is required by paragraph (a), the Governor shall fill such vacancies until successors are chosen at the next regular election.

(c) If the Council does not adopt a resolution to call a special election within 30 days after the occurrence of the vacancy when a special election is required by paragraph (a), the Governor shall call a special election within 10 days, as follows:

~~(a) If a vacancy occurs and the remainder of the unexpired term is 28 months or less, the remaining Council Members shall, within sixty (60) days following the occurrence of such vacancy, by majority vote of the Council Members, appoint a person to fill the vacancy for the remainder of the unexpired term.~~

~~(b) If the remainder of the unexpired term exceeds 28 months, the remaining Council Members shall, within sixty (60) days following the occurrence of such vacancy, by majority vote of the Council Members seated, appoint a person to fill the vacancy until the next regularly scheduled City election at which the balance of the term for the seat shall be filled in accordance with Article V.~~

~~(c) If four or more Council vacancies occur at one time, the Governor shall fill such vacancies until successors are chosen at the next regular election.~~

Section 2. Referendum election.—

(1) A referendum on the adoption of section 1 of this act shall be held on November 3, 2026, concurrent with the 2026 general election.

(2) The ballot title for the referendum question shall be in substantially the following form: “REVISIONS TO CITY OF MARCO ISLAND’S PROCEDURES FOR FILLING VACANT CITY COUNCIL SEATS.”

(3) The referendum question shall be placed on the ballot in substantially the following form:

Shall Chapter 2026-____, Laws of Florida, amending the charter of the City of Marco Island to require a special election to fill a Council vacancy, unless the vacancy occurs within 1 year before a general election, in which event the Council shall appoint a qualified citizen to hold office until the next general election; and to provide for the Governor to call a special election or appoint a Council member in certain circumstances, become effective?

() YES.

() NO.

(4) The referendum shall be conducted by the Supervisor of Elections of Collier County in accordance with the Florida Election Code.

Section 3. This act shall take effect only upon its approval by a majority vote of qualified electors residing in the City of Marco Island voting in a referendum held on November 3, 2026, concurrent with the 2026 general election, except that section 2 and this section shall take effect upon becoming a law.

Approved by the Governor June 25, 2026.

Filed in Office Secretary of State June 25, 2026.