

BILL

ORIGINAL

2026

1                   A bill to be entitled  
2       An act relating to the City of Marco Island, Collier  
3       County; amending City of Marco Island Charter, created  
4       by chapter 97-367, Laws of Florida, and as amended by  
5       local ordinance to require a special election be held  
6       to fill any vacancy on the city council; providing an  
7       exception for vacancies occurring within 1 year of a  
8       general election; providing for the Governor to fill  
9       vacancies under certain circumstances; providing for a  
10      referendum; providing effective dates.

11  
12   Be It Enacted by the Legislature of the State of Florida:

13  
14           **Section 1. Subsection (3) of section 3.05 of Article III**  
15 **of City of Marco Island Charter, created by chapter 97-367, Laws**  
16 **of Florida and as amended by City of Marco Island Ordinance No.**  
17 **02-20 and City of Marco Island Ordinance No. 09-15, is amended**  
18 **to read:**

19           (3) (a) A vacancy on the Council shall be filled by holding  
20 a special election for the unexpired term to be called by the  
21 city clerk upon a resolution adopted by the council. Said  
22 election shall be held within sixty (60) days of the vacancy,  
23 unless such vacancy occurs within one (1) year of a general  
24 election of city officials, in which event the Council shall,  
25 within sixty (60) days following the occurrence of such vacancy,

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26 by a majority vote appoint a citizen qualified under section  
27 5.03 of the Charter who shall hold office until the next general  
28 election.

29 ~~as follows:~~

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

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

42 (b)(e) If four or more Council vacancies occur at one time  
43 or the Council does not appoint a qualified citizen to fill a  
44 vacancy within sixty (60) days, the Governor shall fill such  
45 vacancies until successors are chosen at the next regular  
46 election.

47 **Section 2. Referendum -**

48 (1) The referendum election called for by this act shall be  
49 held on November 3, 2026, concurrent with the 2026 general  
50 election.

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51        (2) The ballot title for the referendum question shall be  
52 in substantially the following form:

53 REVISIONS TO CITY OF MARCO ISLAND'S PROCEDURES FOR FILLING  
54 VACANT CITY COUNCIL SEATS

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

57        Shall Chapter 2026-     , Laws of Florida, amending the  
58 charter of the City of Marco Island to provide for a special  
59 election to be held within sixty (60) days of any Council  
60 vacancy, unless the vacancy occurs within one (1) year of a  
61 general election, in which event the Council shall appoint a  
62 qualified citizen to hold office until the next general  
63 election, and providing for appointment by the Governor of  
64 certain vacancies, become effective?

65        ( ) YES.

66        ( ) NO.

67        **Section 3.** This act shall take effect only upon its  
68 approval by a majority vote of qualified electors residing in  
69 the City of Marco Island voting in a referendum held on November  
70 3, 2026, except that section 2 and this section shall take  
71 effect upon becoming a law.