House Bill No. 835

An act relating to vacancies on the council of the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended, to authorize council members-elect, duly elected in the first or general consolidated government election, to take office immediately after election certification if there is a vacancy in the office; providing an effective date.

WHEREAS, council members in the City of Jacksonville are elected in the springtime consolidated government elections and take office on July 1 of that election year, and

WHEREAS, sometimes a council member office may be vacant at the time of the first consolidated government election or at the time of the general consolidated government election, and

WHEREAS, if the office of an incumbent council member is vacant, there is a hiatus between the time of the first consolidated government election or the general consolidated government election and the actual taking of office and, as a result, a council district or at-large residence area would have no representation, and

WHEREAS, such situation of nonrepresentation should be remedied by amending, in part, Section 5.06, of the Charter of the City of Jacksonville to allow council members elected in the first or general consolidated government election to fill their offices immediately after election certification only in those cases in which a vacancy exists at the time of the first or general consolidated government election, NOW, THEREFORE,

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

Section 1.   Section 5.06 of chapter 92-341, Laws of Florida, as amended, is amended to read:

Section 5.06.   Vacancies; temporary appointments.—The office of a council member councilman shall become vacant upon his or her death, resignation, failure to reside continuously in the district from which he or she was elected, except in the event redistricting should occur during his or her term of office pursuant to section 5.02, or removal from office in any manner authorized by law. A vacancy in the council shall be filled for the remainder of the unexpired term by election of a council member councilman at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs, which special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. Any resignation by a council member councilman shall be submitted in writing to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If any council member councilman submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, said special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special elections shall, if possible, be held in conjunction with any other election scheduled to be held within the county. In those situations in which a vacancy exists in a council district or at-large resident area and such vacancy is filled in the first consolidated government election or in the general consolidated government election, the council member-elect, who has been duly elected in the first consolidated government election or in the general consolidated government election, to represent said vacant district or at-large residence area, shall take office and assume and exercise all duties of office immediately after certification of said election returns, as of the date of said certification, in order to reduce the time the council district or at-large residence area is vacant and without representation.

Section 2.   This act shall take effect upon becoming a law.

Approved by the Governor May 22, 2000.

Filed in Office Secretary of State May 22, 2000.