

ORDINANCE 21-xx

AN ORDINANCE MOVING THE SPECIAL ELECTION TO FILL COUNCIL DISTRICT SEAT THREE TO RUN CONCURRENTLY WITH THE ADMINISTRATION OF THE SPECIAL ELECTION FOR THE VACANT MAYOR'S SEAT; SETTING THE DATE FOR A PRIMARY ELECTION; SETTING THE DATE FOR THE GENERAL ELECTION; ESTABLISHING THE QUALIFYING PERIOD; ADJUSTING CANVASSING AS REQUIRED BY STATE LAW; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council is aware of the intent of our District Three Council Member, Vice Mayor Shannon Martin, to run for the office of Mayor, which has been vacated mid-term and will be filled by a Special Election; and

WHEREAS, it will be necessary to fill the vacancy for the unexpired portion of the term of office for District Three, which will take effect according to the terms of the Resign-to-Run statute, Section 99.012, Florida Statutes; and

WHEREAS, pursuant to Resolution 21R-__, adopted by the City Council on June 28, 2021, a Special Election has been called to fill the prospective vacancy in Council District Three; and

WHEREAS, Section 97.0115, Florida Statutes, provides that "All matters set forth in chapters 97-105 [known as the Florida Elections Code] are preempted to the state, except as otherwise specifically authorized by state or federal law. The conduct of municipal elections shall be governed by s. 100.3605"; and

WHEREAS, Section 100.3605(2), Florida Statutes, provides that in the absence of an applicable Charter provision, "the governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes"; and

WHEREAS, Because of the language in the City Charter relating to Special Elections, specifically dealing with time frames and deadlines, having been rendered obsolete by the evolution of state election laws over the past several years, the City Council has determined relevant provisions of the City Charter are inapplicable, thus triggering the provisions of Section 100.3605(2), Florida Statutes; and

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WHEREAS, to provide for an “orderly transition of office” as intended by the Florida Elections Code, the Special Election for the vacancy District Three seat shall run concurrently with the Special Election for the vacancy of the Mayor’s seat; and

WHEREAS, the Canvassing Board for this municipal election is governed by Title III, Chapter 33, Article II of the City’s Code of Ordinances [attached], and calls for the Canvassing Board to consist of the Supervisor of Elections, the City Clerk, or the City Attorney (or their respective designees); and

WHEREAS, while this provision is capable of compliance, other provisions contained in this Article of the City Code cannot be complied with because of conflicting provisions in the Florida Elections Code which have been enacted by the Florida Legislature over the past several years including, but not limited to, the time period allowed for canvassing and certification of election results; and

WHEREAS, pursuant to Section 100.3605(2), Florida Statutes, this ordinance shall acknowledge that the provisions of the Florida Elections Code shall preempt any conflicting provision of the City Code regarding the administration of, canvassing of, or certification of, the municipal election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Port St. Lucie, Florida, hereby adopts and ratifies those matters as set forth in the foregoing recitals.

Section 2. That there is hereby authorized the conduct, qualifying and scheduling of a special election to fill the vacancy for the portion of the unexpired term of office for District Three that will be created by the resign-to-run of Vice Mayor Shannon Martin so that such special election shall be administered concurrently with the conduct, qualifying and scheduling of the special election for the vacancy in the Mayor’s Seat, which was set by Resolution 21R-68, adopted on June 14, 2021, which is attached hereto and which is incorporated by reference.

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Section 3. The City Clerk is directed to provide a copy of this Ordinance to the Supervisor of Elections.

Section 4. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of the Code of Ordinances of the City of Port St. Lucie, Florida, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 6. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2021.

**CITY COUNCIL
CITY OF PORT ST. LUCIE**

By: _____
Gregory J. Oravec
Mayor

ATTEST:

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Karen A. Phillips, CMC
City Clerk

James D. Stokes, BCS
City Attorney