

**ORDINANCE NO. 22-08**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE QUALIFYING PERIOD FOR TOWN COUNCIL CANDIDATES FOR THE NOVEMBER 2022 ELECTION AND FUTURE ELECTIONS; PROVIDING FOR SCRIVENER'S ERRORS; CONFLICTS OF LAW; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, Section 5.01 of the Town of Fort Myers Beach ("Town") Charter establishes the time period that candidates for Town Council must qualify from noon of the 50<sup>th</sup> day to noon of the 46<sup>th</sup> day before the November 8, 2022 election; and

**WHEREAS**, the current time frame for Town candidates to qualify severely impacts and limits the Lee County Supervisor of Elections' ability to prepare and timely mail official ballots in accordance with state law; and

**WHEREAS**, Section 101.75(3), *Florida Statutes*, provides that the Town may move the dates for qualifying for the Town elections by ordinance; and

**WHEREAS**, the Lee County Supervisor of Elections has requested that the Town Council move the Town Council candidate qualifying period for the 2022 election year – and all years thereafter - to noon of the 71<sup>st</sup> day to noon of the 67<sup>th</sup> day prior to the November general election date for 2022, and all general elections in November thereafter; and

**WHEREAS**, the Town has the legal authority to adopt this Ordinance pursuant to its broad home rule powers and Section 101.75(3), *Florida Statutes*; and

**WHEREAS**, the Town hereby desires to change the candidate qualifying period for the November 8, 2022 Town Council election and future Town Council Elections in November.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:**

Section 1. The above recitals are true and correct and incorporated herein as though fully set forth herein.

Section 2. In accordance with Section 101.75(3), *Florida Statutes*, the Town Council candidate qualifying period shall be from noon of the 71<sup>st</sup> day to noon of the 67<sup>th</sup> day prior to the November 8, 2022 election, and all general elections in November thereafter.

Section 3. The Town Council intends that this Ordinance be made part of the Code of Ordinances, Town of Fort Myers Beach, Florida. Typographical errors and clarification of ambiguous wording that does not affect the intent of this Ordinance can be corrected with the authorization of the Town Manager without the need for a public hearing.

Section 4. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

Section 5. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Ordinance.

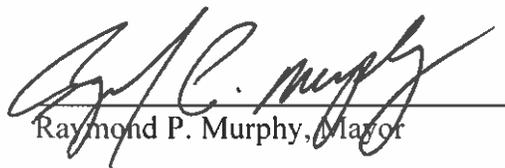
Section 6. This Ordinance will take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon motion by Vice Mayor Hosafros and seconded by Council Member Veach, and upon being put to a roll call vote, the result was as follows:

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	aye
Jim Atterholt, Council Member	aye
Bill Veach, Council Member	aye

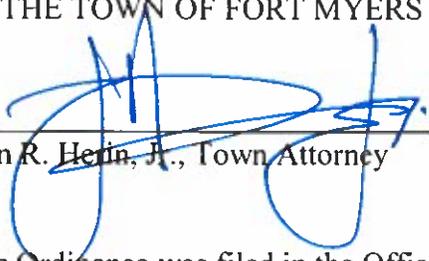
ADOPTED, this 4<sup>th</sup> day of April, 2022 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

  
Raymond P. Murphy, Mayor

  
ATTEST:  
  
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE  
OF THE TOWN OF FORT MYERS BEACH ONLY:



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John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 7 day of April 2022.