

ORDINANCE 24-12

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REAFFIRMING ITS PRIOR AMENDMENT OF THE QUALIFYING PERIOD FOR TOWN COUNCIL CANDIDATES FOR THE NOVEMBER 2024 ELECTION TO NOON ON THE 71ST DAY (JUNE 10, 2024) TO NOON OF THE 67TH DAY (JUNE 14, 2024) PRIOR TO THE AUGUST PRIMARIES TO BE HELD ON AUGUST 20, 2024; 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 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 50th day to noon of the 46th day before a November election; and

WHEREAS, the current time frame for Town candidates to qualify severely impacts and limits the Lee County Supervisor of Elections' ("SOE") 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 Town Council adopted Ordinance 22-08, which moved the Town Council candidate qualifying period for the 2022 election year to noon of the 71st day until noon of the 67th day prior to the November general election date for 2022, and all general elections in November thereafter; and

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

WHEREAS, the Supervisor of Elections requested and the Town desires to reaffirm a change to the candidate qualifying period as contained in the Town Charter for the November 5, 2024 Town Council election to noon on the 71st day (June 10, 2024) to noon of the 67th day (June 14, 2024) prior to the August primaries on the 20th day of August; and

WHEREAS, on April 15, 2024 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, a Business Impact Estimate was prepared and posted on the Town's website on the 18th day of April 2024, as required by Section 166.041(4), Florida Statutes; and

WHEREAS, an advertisement of the public hearing for adoption of the Ordinance was published in The News-Press on the 18th day of April 2024, which is 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041; and

WHEREAS, on the 6th day of May 2024, the Town Council held a second reading of the Ordinance; and

WHEREAS, the Town finds that it is in the best interests of the Town to adopt this ordinance.

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 by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. In accordance with Section 101.75(3), *Florida Statutes*, the Town Council reaffirms that the candidate qualifying period shall be from noon of the 71st day to noon of the 67th day prior to the August 20, 2024 primaries.

Section 3. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted Town Code provision, ordinance. or statute, this Ordinance shall apply.

Section 4. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

Section 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 6. This Ordinance shall become effective upon adoption by the Town Council.

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

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

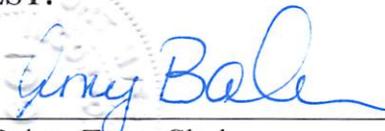
ADOPTED this 6th day of May 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



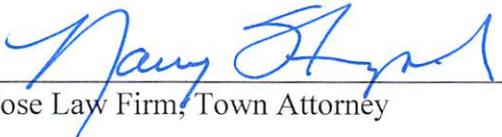
Dan Allers, Mayor

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:**



Vose Law Firm, Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 7th day of May 2024.

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