

ORDINANCE No. 05-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH AMENDING THE CHARTER, PROVIDING AUTHORITY; AMENDMENT- ELECTIONS; AMENDMENT – MULTIPLE CANDIDATES; AMENDMENT – INITIATIVE AND REFERENDUM; SEVERABILITY; REPEALING CLAUSE AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. AUTHORITY. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 99.061, 100.3605 and 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. AMENDMENT – ELECTIONS. The "Town of Fort Myers Beach Charter" adopted as Chapter 95-494, Laws of Florida is amended as follows:

Section 5.01 Elections.-- The regular election of the members of the council shall be held on the second Tuesday in March. If necessary A primary a runoff election will be held on the second Tuesday in April. Tuesday five weeks prior to the general election if more than two candidates qualify for the same office. The time period that candidates must qualify shall be from noon of the 50<sup>th</sup> day prior to the second Tuesday in March to noon of the 46<sup>th</sup> day, or as adjusted by a holiday or in a leap year.

SECTION 3. AMENDMENT – MULTIPLE CANDIDATES. The "Town of Fort Myers Beach Charter" adopted as Chapter 95-494, Laws of Florida is amended as follows:

Section 5.07 Multiple candidates.-- In the event that more than two candidates qualify for election to a single office those candidates shall participate in the primary regular election and the candidate receiving a majority of votes cast shall be elected. If no candidate receives a majority, then the two candidates receiving the most votes shall participate in the general a runoff election established in Section 5.01. to decide the winner for that office.

SECTION 4. AMENDMENT – INITIATIVE AND REFERENDUM. The "Town of Fort Myers Beach Charter" adopted as Chapter 95-494, Laws of Florida is amended as follows:

Section 12.01 Initiative and referendum.-- At least 25 percent of the qualified electorate of the town shall have the power to petition the council to propose an ordinance or to require reconsideration of an adopted ordinance, and if the council fails to adopt such ordinance so

proposed, or to repeal such adopted ordinance, without any change in substance, then the council shall place the proposed ordinance, or the repeal of the adopted ordinance, on the ballot at the next general municipal election.

SECTION 5. SEVERABILITY. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 6. REPEALING CLAUSE. All ordinances or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION 7. REFERENDUM; EFFECTIVE DATE. The Town Council shall submit the provisions of this ordinance to the vote of the electorate. Upon approval by a majority vote of the electorate voting in the referendum and certification of same by the canvassing board, such provisions shall be deemed adopted. The provision so adopted shall be incorporated in the Town Charter and the charter so revised shall be filed with the Florida State Department.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Rynearson and seconded by Council Member Van Duzer and, upon being put to a vote, the result was as follows:

Howard Rynearson	<u>Aye</u>
Don Massucco	<u>Aye</u>
Bill Thomas	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Garr Reynolds	<u>Aye</u>

DULY PASSED AND ENACTED this 28<sup>th</sup> day of February, 2005.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George  
Marsha Segal-George, Town Clerk

By: Bill Thomas  
Bill Thomas, Mayor

Approved as to form by:  
Richard V.S. Roosa  
Richard V.S. Roosa, Town Attorney