

ORDINANCE No. 99-10

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH PROPOSING AMENDMENTS TO THE CHARTER SUBJECT TO REFERENDUM, PROVIDING AUTHORITY; PROPOSED AMENDMENT- ELECTIONS; PROPOSED AMENDMENT-COMMENCEMENT OF TERM; PROPOSED AMENDMENT-MULTIPLE CANDIDATES; SEVERABILITY; REPEALING CLAUSE AND REFERENDUM; 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 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. PROPOSED 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 first Tuesday after the first Monday in November. A primary election will be held on the Tuesday five weeks prior to the general election if more than two candidates qualify for the same office.

SECTION 3. PROPOSED AMENDMENT - COMMENCEMENT OF TERM. The "Town of Fort Myers Beach Charter" adopted as Chapter 95-494, Laws of Florida is amended as follows:

Section 5.02 Commencement of term.-- The terms of a members of the council shall begin at the first council meeting on January 1st of the year following the general election.

SECTION 4. PROPOSED 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 that candidates shall participate in the primary 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 election established in Section 5.01. ~~have a runoff election to decide the winner of the election for that office. If required, the runoff election shall be held on the first Tuesday in December.~~

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 may 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 provision 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 Hugler and seconded by Council Member Cereceda and, upon being put to a vote, the result was as follows:

Anita T. Cereceda  
Daniel Hughes  
John Mulholland  
Garr Reynolds  
Ray Murphy

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eye  
eye

DULY PASSED AND ENACTED this 1st day of July, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

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

By: Raymond P. Murphy  
Raymond P. Murphy, Mayor

Approved as to form by:

Richard V.S. Roosa  
Richard V.S. Roosa, Town Attorney