

**ORDINANCE NO. 19-13**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE QUALIFYING PERIOD FOR TOWN COUNCIL CANDIDATES FOR THE SCHEDULED MARCH 17, 2020 ELECTION; PROVIDING FOR SCRIVENER'S ERRORS; CONFLICTS OF LAW, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**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 March 17, 2020 election; and

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

**WHEREAS**, the Lee County Supervisor of Elections has requested that the Town move the 2020 election year Town Council candidate qualifying period from noon of the 71<sup>st</sup> day to noon of the 67<sup>th</sup> day prior to the March 17, 2020 election; 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 qualifying period for the March 17, 2020 Town Council election.

**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. For the 2020 election year only, the provision of Section 5.01 of the Town of Fort Myers Beach Charter relating to the Town Council candidate qualifying period, said 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 March 17, 2020 election.

Section 3. The Town Council does not intend 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 7. This ordinance will take effect immediately upon adoption by the Town Council.

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

Anita Cereceda, Mayor	Aye
Ray Murphy, Vice Mayor	Aye
Joanne Shamp, Councilmember	Aye
Rexann Hosafros, Councilmember	Aye
Bruce Butcher, Councilmember	Aye

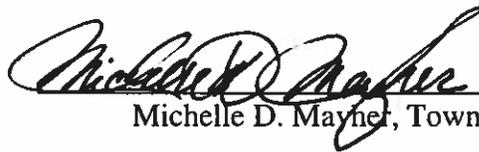
ADOPTED this 23<sup>rd</sup> day of September, 2019 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



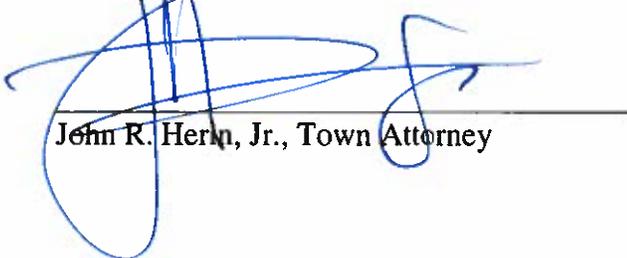
Anita T. Cereceda, Mayor

ATTEST:



Michelle D. Mayner, Town Clerk

APPROVED AS TO FORM:



John R. Herin, Jr., Town Attorney