

## **CHARTER AND CODE**

### **City of MIAMI, FLORIDA**

Codified through  
Ordinance No. 13066, adopted May 14, 2009.  
(Supplement No. 41)

#### **Sec. 12. Filling vacancies for mayor and commission.**

(a) A vacancy on the city commission or in the office of mayor caused by death, resignation, forfeiture or other action or causes shall be filled within ten days after such vacancy occurs by a majority of the remaining city commissioners. The person appointed must meet the qualifications of the office as required in section 4 of this Charter. The term of office of the person so appointed shall be until the successor in office is elected and qualified at whichever of the following occurs first:

- (1) the odd-year general municipal election for mayor and city commissioners held pursuant to section 4 of the Charter, or
- (2) the even-year State of Florida general election, at which election national, state and county offices are filled,

The candidates for such election shall be qualified as provided in section 4 of this Charter and the qualifying period and requirements for such election shall be as provided in section 7 of this Charter.

(b) If the remaining city commissioners shall fail or refuse to fill such vacancy within ten days after it occurs, as provided herein, the city commission shall call a special election to fill the vacancy to be held at a date not less than thirty-eight or more than forty-five days after the expiration of the ten-day period and the five day qualifying period. The qualifying period for such special election shall be for the five days not including Saturday, Sunday or legal holidays before the thirty-eighth day before the date of the election and the procedure for the election not otherwise provided for in this section shall be as provided in section 7 of this Charter. The person who receives the greatest number of votes for the office in said special election is elected to fill the vacancy until the election as provided in subsection (a) (1) or (2) of this section.

(c) If the city commissioners shall fail to comply with their duties as set forth in this section, then, and in that event, the court is hereby empowered and authorized to enforce compliance with this act or to call an election itself to fill such vacancy or vacancies on the city commission or in the office of mayor.

(Laws of Fla., ch. 22393(1943); Laws of Fla., ch. 27724(1951); Ord. No. 8287, 11-5-74; Res. No. 97-447, § 2, 7-3-97; Res. No. 01-843, § 2, 8-9-01)