

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 17, 1998 Revised: _____

Subject: Municipal Recall

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Bradshaw</u>	<u>Bradshaw</u>	<u>EE</u>	<u>Favorable</u>
2.	<u>Schmith</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 2268 provides changes to the municipal recall provisions of the Election Code. The bill requires each page of the recall petition to contain the full text of the grounds for recall and requires signatures to be dated when made. The bill requires the clerk to verify that the petition contains one or more of the statutorily designated grounds for recall, but does not require the clerk to determine the validity of the allegations. In addition, the bill allows the committee circulating the recall petition to register the petition with the clerk prior to its being circulated for a determination that the petition states one or more grounds for recall.

This bill substantially amends section 100.361 of the Florida Statutes.

II. Present Situation:

Section 100.361, F.S., provides for any member of the governing body of a municipality or charter county to be recalled by the voters. This process requires a petition to be prepared, containing a statement of the grounds for recall, which are limited to seven specific reasons. The petition must be signed by a percentage of the registered voters in the jurisdiction and must be completed within 30 days of the date the first signature is obtained. Once the initial threshold of signatures is obtained, the person sought to be recalled has the opportunity to prepare a defensive statement, which is attached to the original petition and the petition and defensive statement are again circulated for the signatures of 15 percent of the voters. The second petition must be completed within 60 days. If the required number of signatures is obtained, an election is called for the recall of the official.

III. Effect of Proposed Changes:

Section 1 amends s. 100.361, F.S., providing changes primarily to the petition requirements for recall petitions. The bill requires each page of both petitions to contain the full text of the statement of grounds for recall. This change will assure that, even if the pages of the petition are separated, each person will be able to review the charges. Additionally, the bill requires that each signature be dated when made, in order for the clerk to determine if the signatures are obtained within the proper time frame. The bill requires the clerk to verify that the petition contains one or more of the grounds for recall, but does not require the clerk to determine the accuracy of the allegations. Finally, in order for the clerk to make the determination that the petition states one or more of the statutorily enumerated grounds for recall, the bill allows the committee circulating the petition to register its petition with the clerk prior to its being circulated for signatures.

Section 2 provides an effective date of July 1, 1998.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
