

Bill No. CS for SB 270

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Sebesta moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 1, line 15,		
15			
16	insert:		
17	Section 1. Subsections (1) and (7) of section 100.361,		
18	Florida Statutes, are amended to read:		
19	100.361 Municipal recall.--		
20	(1) RECALL PETITION.--Any member of the governing body		
21	of a municipality or charter county, hereinafter referred to		
22	in this section as "municipality," may be removed from office		
23	by the electors of the municipality. When the official		
24	represents a district and is elected only by electors residing		
25	in that district, only electors from that district are		
26	eligible to sign the petition to recall that official and are		
27	entitled to vote in the recall election. When the official		
28	represents a district and is elected at-large by the electors		
29	of the municipality, all electors of the municipality are		
30	eligible to sign the petition to recall that official and are		
31	entitled to vote in the recall election. Where used in this		

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1 section, the term "district" shall be construed to mean the  
2 area or region of a municipality from which a member of the  
3 governing body is elected by the electors from such area or  
4 region. Members may be removed from office by the following  
5 procedure:

6 (a) A petition shall be prepared naming the person  
7 sought to be recalled and containing a statement of grounds  
8 for recall in not more than 200 words limited solely to the  
9 grounds specified in paragraph (b). If more than one member  
10 of the governing body is sought to be recalled, whether such  
11 member is elected by the electors of a district or by the  
12 electors of the municipality at-large, a separate recall  
13 petition shall be prepared for each member sought to be  
14 recalled.

15 1. In a municipality or district of fewer than 500  
16 electors, the petition shall be signed by at least 50 electors  
17 or by 10 percent of the total number of registered electors of  
18 the municipality or district as of the preceding municipal  
19 election, whichever is greater.

20 2. In a municipality or district of 500 or more but  
21 fewer than 2,000 registered electors, the petition shall be  
22 signed by at least 100 electors or by 10 percent of the total  
23 number of registered electors of the municipality or district  
24 as of the preceding municipal election, whichever is greater.

25 3. In a municipality or district of 2,000 or more but  
26 fewer than 5,000 registered electors, the petition shall be  
27 signed by at least 250 electors or by 10 percent of the total  
28 number of registered electors of the municipality or district  
29 as of the preceding municipal election, whichever is greater.

30 4. In a municipality or district of 5,000 or more but  
31 fewer than 10,000 registered electors, the petition shall be

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1 signed by at least 500 electors or by 10 percent of the total  
2 number of registered electors of the municipality or district  
3 as of the preceding municipal election, whichever is greater.

4 5. In a municipality or district of 10,000 or more but  
5 fewer than 25,000 registered electors, the petition shall be  
6 signed by at least 1,000 electors or by 10 percent of the  
7 total number of registered electors of the municipality or  
8 district as of the preceding municipal election, whichever is  
9 greater.

10 6. In a municipality or district of 25,000 or more  
11 registered electors, the petition shall be signed by at least  
12 1,000 electors or by 5 percent of the total number of  
13 registered electors of the municipality or district as of the  
14 preceding municipal election, whichever is greater.

15  
16 Electors of the municipality or district making charges  
17 contained in the statement of grounds for recall and those  
18 signing the recall petition shall be designated as the  
19 "committee." A specific person shall be designated in the  
20 petition as chair of the committee to act for the committee.  
21 Electors of the municipality or district are eligible to sign  
22 the petition. Signatures and oaths of witnesses ~~circulators~~  
23 shall be executed as provided in paragraph (c). All  
24 signatures shall be obtained within a period of 30 days, and  
25 the petition shall be filed within 30 days after the date the  
26 first signature is obtained on the petition.

27 (b) The grounds for removal of elected municipal  
28 officials shall, for the purposes of this act, be limited to  
29 the following and must be contained in the petition:

- 30 1. Malfeasance;
- 31 2. Misfeasance;



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1 ~~no further action.~~ The petition cannot be amended after it is  
2 filed with the clerk. The supervisor shall be paid by the  
3 persons or committee seeking verification the sum of 10 cents  
4 for each name checked.

5 (e) If it is determined that the petition does not  
6 contain the required signatures, the clerk shall so certify to  
7 the governing body of the municipality or charter county and  
8 file the petition without taking further action, and the  
9 matter shall be at an end. No additional names may be added  
10 to the petition, and the petition shall not be used in any  
11 other proceeding.

12 (f) If it is determined that the petition has the  
13 required signatures, then the clerk shall at once serve upon  
14 the person sought to be recalled a certified copy of the  
15 petition. Within 5 days after service, the person sought to  
16 be recalled may file with the clerk a defensive statement of  
17 not more than 200 words. The clerk shall, within 5 days,  
18 prepare a sufficient number of typewritten, printed, or  
19 mimeographed copies of the recall petition and defensive  
20 statement, as well as the names, addresses, and oaths on the  
21 original petition, and deliver them to the person who has been  
22 designated as chair of the committee and take his or her  
23 receipt therefor. Such prepared copies shall be entitled  
24 "Recall Petition and Defense" and shall contain lines and  
25 spaces for signatures and printed names of registered  
26 electors, place of residence, election precinct number, and  
27 date of signing, together with oaths to be executed by the  
28 witnesses ~~circulators~~ which conform to the provisions of  
29 paragraph (c). The clerk shall deliver forms sufficient to  
30 carry the signatures of 30 percent of the registered electors.

31 (g) Upon receipt of the "Recall Petition and Defense,"

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1 the committee may circulate them to obtain the signatures of  
2 15 percent of the electors. Any elector who signs a recall  
3 petition shall have the right to demand in writing that his or  
4 her name be stricken from the petition. A written demand  
5 signed by the elector shall be filed with the clerk and upon  
6 receipt of the demand the clerk shall strike the name of the  
7 elector from the petition and place his or her initials to the  
8 side of the signature stricken. However, no signature may be  
9 stricken after the clerk has delivered the "Recall Petition  
10 and Defense" to the supervisor of elections for verification.

11 (h) Within 60 days after delivery of the "Recall  
12 Petition and Defense" to the chair, the chair shall file with  
13 the clerk the "Recall Petition and Defense" which bears the  
14 signatures of electors. The clerk shall assemble all signed  
15 petitions, check to see that each petition is properly  
16 verified by the oath of a witness ~~the circulator~~, and submit  
17 such petitions to the county supervisor of elections, who  
18 shall determine the number of valid signatures, purge the  
19 names withdrawn, certify within 30 days whether 15 percent of  
20 the qualified electors of the municipality have signed the  
21 petitions, and report his or her findings to the governing  
22 body. The supervisor shall be paid by the persons or  
23 committee seeking verification the sum of 10 cents for each  
24 name checked.

25 (i) If the petitions do not contain the required  
26 signatures, the clerk shall report such fact to the governing  
27 body and file the petitions, the proceedings shall be  
28 terminated, and the petitions shall not again be used. If the  
29 signatures do amount to at least 15 percent of the qualified  
30 electors, the clerk shall serve notice of that fact upon the  
31 person sought to be recalled and deliver to the governing body

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1 a certificate as to the percentage of qualified voters who  
2 signed.

3 (7) OFFENSES RELATING TO PETITIONS.--No person shall  
4 impersonate another, purposely write his or her name or  
5 residence falsely in the signing of any petition for recall or  
6 forge any name thereto, or sign any paper with knowledge that  
7 he or she is not a qualified elector of the municipality. No  
8 expenditures for campaigning for or against an officer being  
9 recalled shall be made until the date on which the recall  
10 election is to be held is publicly announced. The committee  
11 and the officer being recalled shall be subject to chapter  
12 106. No person shall employ or pay another to accept  
13 employment or payment for circulating or witnessing a recall  
14 petition. Any person violating any of the provisions of this  
15 section shall be deemed guilty of a misdemeanor of the second  
16 degree and shall, upon conviction, be punished as provided by  
17 law.

18  
19 (Redesignate subsequent sections.)

20  
21  
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, line 2, after the semicolon,

25  
26 insert:

27 amending s. 100.361, F.S.; revising provisions  
28 governing recall petitions; providing penalties  
29 for employing or paying another to accept  
30 employment or payment for witnessing a recall  
31 petition;