

By Senator Margolis

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Senate Joint Resolution

A joint resolution proposing the creation of Section 8 of Article VI of the State Constitution to provide for the recall of the Governor, Lieutenant Governor, members of the Cabinet, and legislators.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 8 of Article VI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 8. Recall of governor, lieutenant governor, members of the cabinet, and legislators.-

(a) Recall is the power of the electors to remove a person from elective office before his or her term expires. The governor, lieutenant governor, members of the cabinet, and legislators may be removed from office by the electors in a recall election. This method of removing persons from elective office is in addition to any other method provided by this constitution or general law.

(b) The recall of a public official under this section is initiated by delivering to the Secretary of State a petition containing the name of the person sought to be recalled and the alleged reason for the recall. The sufficiency of the reason is not reviewable. Proponents have 120 days to circulate and file

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30 signed petitions, and the Secretary of State shall maintain a
31 continuous count of the signatures certified to that office.

32 (c) A petition to recall a public official other than a
33 legislator under this section must contain signatures from each
34 of the 67 counties in the state, and the signatures must equal
35 15 percent of the total votes cast in the last election for the
36 office. All electors of the state may sign the petition to
37 recall the official. If the recall petition is successful and a
38 recall election is held, all electors in the state may vote in
39 the recall election.

40 (d) A petition to recall a legislator must contain
41 signatures equal to 20 percent of the total votes cast in the
42 last election for the office. Only electors of the district the
43 legislator represents may sign the petition to recall the
44 legislator. If the recall petition is successful and a recall
45 election is held, only electors of the district the legislator
46 represents may vote in the recall election.

47 (e) Notwithstanding any other provision of this
48 constitution or law, if the petition to hold a recall election
49 under this section is successful, the election for a successor
50 to the office shall be held simultaneously with the recall
51 election. The election to determine whether to recall a public
52 official under this section and elect a successor shall be
53 called by the Secretary of State and held not less than 60 days
54 nor more than 80 days after the date of certification of the
55 number of sufficient signatures. However, if the next regularly
56 scheduled election is to be held within 100 days after the date
57 of certification of sufficient signatures, the Secretary of
58 State may schedule the recall election on the same date as the

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59 regularly scheduled election. The public official who is the
60 subject of the recall may not be a candidate for the office.

61 (f) If the majority vote on the question is to recall the
62 public official, the official shall be removed and the candidate
63 who receives the highest number of votes cast in the election
64 held simultaneously to fill the vacancy in office shall be the
65 successor for the remainder of the term. If the public official
66 who is the subject of the petition is not recalled, he or she
67 shall be reimbursed by the state for any recall election
68 expenses that were personally and legally incurred and a
69 subsequent recall petition may not be initiated against the
70 official during the remainder of his or her term in office.

71 (g) Additional provisions governing recall under this
72 section may be provided by general law.

73 BE IT FURTHER RESOLVED that the following statement be
74 placed on the ballot:

75 CONSTITUTIONAL AMENDMENT

76 ARTICLE VI, SECTION 8

77 RECALL OF GOVERNOR, LIEUTENANT GOVERNOR, MEMBERS OF THE
78 CABINET, AND LEGISLATORS.—Recall is the power of the electors to
79 remove a person from elective office before his or her term
80 expires. This proposed amendment to the State Constitution
81 provides for recall of the Governor, the Lieutenant Governor,
82 any member of the Cabinet, or any legislator at an election. The
83 recall process is initiated when a petition containing the name
84 of the person sought to be recalled and the alleged grounds for
85 the recall is delivered to the Secretary of State. The
86 sufficiency of the reason for the recall is not reviewable. The
87 supporters of the recall measure have 120 days to circulate and

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88 file signed petitions with the Secretary of State.

89 This amendment also specifies who is eligible to sign the
90 recall petition and what percentage of the electors must sign
91 the petition for a recall election to take place. If the person
92 who is the subject of the recall petition is a legislator, only
93 electors from the legislator's district may sign the petition.
94 If the person who is the subject of the recall petition is a
95 public official subject to recall under this amendment other
96 than a legislator, any elector of the state may sign the
97 petition. The same standards apply to who may vote if a recall
98 election is held.

99 Finally, this amendment provides that if enough signatures
100 are collected to require a recall election, the election for a
101 successor to the office, if vacated, will be held at the same
102 time as the recall election. The successor who is elected will
103 serve the remainder of the term. This proposed amendment
104 specifies when the Secretary of State must call the election and
105 provides that the person who is the subject of the recall may
106 not be a candidate for the office. If the person who is the
107 subject of the recall petition is not recalled from office, he
108 or she will be reimbursed for any recall election expenses that
109 were personally and legally incurred. Additionally, if the
110 person is not recalled, a subsequent recall may not be initiated
111 against the person during the remainder of his or her term in
112 office.