

By Senator Margolis

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1 A bill to be entitled
2 An act relating to recall; creating s. 100.365, F.S.;
3 providing procedures for recall from office of the
4 Governor, the Lieutenant Governor, members of the
5 Cabinet, and legislators; requiring that proponents of
6 the recall register as a political committee;
7 prescribing the methods and timeframes for initiating
8 and conducting the recall; providing ballot language;
9 authorizing the adoption of rules; providing a
10 contingent effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 100.365, Florida Statutes, is created to
15 read:

16 100.365 Recall election of Governor, Lieutenant Governor,
17 members of the Cabinet, and legislators.-

18 (1) In accordance with s. 8, Art. VI of the State
19 Constitution, the Governor, the Lieutenant Governor, a member of
20 the Cabinet, or a legislator may be removed from office by the
21 electors before the official's term expires. A person may be
22 removed from elective office pursuant to the procedures provided
23 in this section. The method of removing persons from elective
24 office provided in this section is in addition to any other
25 method provided by state law.

26 (2) The proponent of a recall petition shall, prior to
27 obtaining any signatures, register as a political committee
28 pursuant to s. 106.03 and submit the text of the proposed recall
29 petition to the Secretary of State, with the form on which the

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30 signatures will be affixed, and obtain the approval of the
31 Secretary of State of such form. The Secretary of State shall
32 prescribe by rule the style and requirements of the form in
33 accordance with this section and s. 8, Art. VI of the State
34 Constitution.

35 (3) The recall of a public official is initiated by
36 delivering to the Secretary of State a petition containing the
37 name of the person sought to be recalled and the alleged reason
38 for the recall. The alleged reason for the recall is not
39 reviewable. Proponents have 120 days to circulate and file the
40 signed petitions.

41 (4) A recall petition form circulated for signatures may
42 not be bundled with or attached to any other petition. Each
43 signature shall be dated when signed and shall be valid for the
44 duration of the recall, provided all other requirements of law
45 are met. The proponent shall submit signed and dated forms to
46 the appropriate supervisor of elections for verification as to
47 the number of registered electors whose valid signatures appear
48 on the forms. The supervisor shall promptly verify the
49 signatures within 30 days after receipt of the petition forms
50 and payment of the fee required by s. 99.097. The supervisor
51 shall promptly record, in the manner prescribed by the Secretary
52 of State, the date each form is received by the supervisor and
53 the date the signature on the form is verified as valid. The
54 supervisor may verify that the signature on a form is valid only
55 if:

56 (a) The form contains the original signature of the
57 purported elector.

58 (b) The purported elector has accurately recorded on the

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59 form the date on which he or she signed the form.

60 (c) The form accurately sets forth the purported elector's
61 name, street address, county, and voter registration number or
62 date of birth.

63 (d) The purported elector is, at the time he or she signs
64 the petition, a duly qualified and registered elector authorized
65 to vote in the county in which his or her signature is
66 submitted.

67
68 The supervisor shall retain the signature petitions for at least
69 1 year after the conclusion of the recall process.

70 (5) The Secretary of State shall determine from the
71 signatures verified by the supervisors of elections the total
72 number of verified valid signatures and the distribution of such
73 signatures by county, when appropriate. Upon a determination
74 that the requisite number and distribution of valid signatures
75 have been obtained, the Secretary of State shall at once serve
76 upon the person sought to be recalled a certified copy of the
77 petition and shall notify the Governor that a recall election
78 shall be held in accordance with s. 8, Art VI of the State
79 Constitution.

80 (6) The ballots for the recall election shall state: "Shall
81 be removed from the office of by recall?" followed by
82 the word "yes" and also by the word "no." Immediately
83 thereafter, the names of the candidates who are seeking to fill
84 the remainder of that term of office, if vacated, shall be
85 listed.

86 (7) The Secretary of State, as chief election officer of
87 the state, may adopt rules to administer this section.

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88 Section 2. This act shall take effect on the effective date
89 of an amendment to the State Constitution approved by the
90 electors at the general election to be held in November 2012
91 which authorizes, or removes impediment to, enactment by the
92 Legislature of the provisions of this act.