

House 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, the Lieutenant Governor, a member of the Cabinet, or legislator.

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, member of the cabinet, or legislator.—

(a) Recall is the power of the electors to remove a person from elective office before his or her term expires. The governor, the lieutenant governor, a member of the cabinet, or a legislator may be removed from office by the electors in a recall election. However, removal of the governor under this section includes removal of the lieutenant governor. This method of removing a person 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 chief election officer of the state a petition containing the name of the person sought to be

HJR 785

2011

29 recalled and the alleged reason for the recall. If the person
30 sought to be recalled is the governor, the petition shall
31 contain the names of the governor and the lieutenant governor.
32 The sufficiency of the reason is not reviewable. Proponents have
33 120 days to circulate and file signed petitions, and the chief
34 election officer of the state shall maintain a continuous count
35 of the signatures certified to that office.

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

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

51 (e) Notwithstanding any other provision of this
52 constitution or law, if the petition to hold a recall election
53 under this section is successful, the election for a successor
54 to the office shall be held simultaneously with the recall
55 election. The election to determine whether to recall a public
56 official under this section and elect a successor shall be

HJR 785

2011

57 called by the chief election officer of the state and held not
58 less than 60 days nor more than 80 days after the date of
59 certification of the number of sufficient signatures. However,
60 if the next regularly scheduled election is to be held within
61 100 days after the date of certification of sufficient
62 signatures, the chief election officer of the state may schedule
63 the recall election on the same date as the regularly scheduled
64 election. The public official who is the subject of the recall
65 may not be a candidate for the office.

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

76 (g) In any election to fill the offices of governor and
77 lieutenant governor under this section, candidates for those
78 offices shall form joint candidacies and neither the governor
79 nor the lieutenant governor may be a candidate for either
80 office.

81 (h) Additional provisions governing recall under this
82 section may be provided by general law.

83 BE IT FURTHER RESOLVED that the following statement be
84 placed on the ballot:

HJR 785

2011

85 CONSTITUTIONAL AMENDMENT

86 ARTICLE VI, SECTION 8

87 RECALL OF GOVERNOR, LIEUTENANT GOVERNOR, MEMBER OF THE
88 CABINET, OR LEGISLATOR.—Recall is the power of the electors to
89 remove a person from elective office before his or her term
90 expires. This proposed amendment to the State Constitution
91 provides for recall of the Governor, the Lieutenant Governor,
92 any member of the Cabinet, or any legislator at an election.
93 Removal of the Governor by recall includes removal of the
94 Lieutenant Governor. The recall process is initiated when a
95 petition containing the name of the person sought to be recalled
96 and the alleged grounds for the recall is delivered to the chief
97 election officer of the state, which is currently the Secretary
98 of State. If the person sought to be recalled is the Governor,
99 the petition shall contain the names of the Governor and the
100 Lieutenant Governor. The sufficiency of the reason for the
101 recall is not reviewable. The supporters of the recall measure
102 have 120 days to circulate and file signed petitions with the
103 Secretary of State.

104 This amendment also specifies who is eligible to sign the
105 recall petition and what percentage of the electors must sign
106 the petition for a recall election to take place. If the person
107 who is the subject of the recall petition is a legislator, only
108 electors from the legislator's district may sign the petition.
109 If the person who is the subject of the recall petition is a
110 public official subject to recall under this amendment other
111 than a legislator, any elector of the state may sign the

HJR 785

2011

112 petition. The same standards apply to who may vote if a recall
113 election is held.

114 Finally, this amendment provides that if enough signatures
115 are collected to require a recall election, the election for a
116 successor to the office, if vacated, will be held at the same
117 time as the recall election. The successor who is elected will
118 serve the remainder of the term. This proposed amendment
119 specifies when the Secretary of State must call the election and
120 provides that the person who is the subject of the recall may
121 not be a candidate for the office. Candidates for the offices of
122 Governor and Lieutenant Governor shall form joint candidacies,
123 and neither the Governor nor the Lieutenant Governor may be a
124 candidate for either office. If the person who is the subject of
125 the recall petition is not recalled from office, he or she will
126 be reimbursed for any recall election expenses that were
127 personally and legally incurred. Additionally, if the person is
128 not recalled, a subsequent recall may not be initiated against
129 the person during the remainder of his or her term in office.
130 Additional provisions governing recall under this amendment may
131 be provided by general law.