

By Senator Smith

29-00409-12

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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 custodian of state records 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

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30 and file signed petitions, and the custodian of state records  
31 shall maintain a continuous count of the signatures certified to  
32 that office.

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

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

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

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59 custodian of state records may schedule the recall election on  
60 the same date as the regularly scheduled election. The public  
61 official who is the subject of the recall may not be a candidate  
62 for the office.

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

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

75 BE IT FURTHER RESOLVED that the following statement be  
76 placed on the ballot:

77 CONSTITUTIONAL AMENDMENT

78 ARTICLE VI, SECTION 8

79 RECALL OF GOVERNOR, LIEUTENANT GOVERNOR, MEMBERS OF THE  
80 CABINET, AND LEGISLATORS.—Recall is the power of the electors to  
81 remove a person from elective office before his or her term  
82 expires. This proposed amendment to the State Constitution  
83 provides for recall of the Governor, the Lieutenant Governor,  
84 any member of the Cabinet, or any legislator at an election. The  
85 recall process is initiated when a petition containing the name  
86 of the person sought to be recalled and the alleged grounds for  
87 the recall is delivered to the custodian of state records. The

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88 sufficiency of the reason for the recall is not reviewable. The  
89 supporters of the recall measure have 120 days to circulate and  
90 file signed petitions with the custodian of state records.

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

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