

HB9

2012

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           providing that the removal of the Governor from office  
 10          includes the removal of the Lieutenant Governor;  
 11          authorizing the adoption of rules; providing a  
 12          contingent effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

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

18           100.365 Recall election of Governor, Lieutenant Governor,  
 19   members of the Cabinet, and legislators.-

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

HB 9

2012

28       (2) The proponent of a recall petition shall, prior to  
29 obtaining any signatures, register as a political committee  
30 pursuant to s. 106.03 and submit the text of the proposed recall  
31 petition to the Secretary of State, with the form on which the  
32 signatures will be affixed, and obtain the approval of the  
33 Secretary of State of such form. The Secretary of State shall  
34 prescribe by rule the style and requirements of the form in  
35 accordance with this section and s. 8, Art. VI of the State  
36 Constitution.

37       (3) The recall of a public official is initiated by  
38 delivering to the Secretary of State a petition containing the  
39 name of the person sought to be recalled and the alleged reason  
40 for the recall. The alleged reason for the recall is not  
41 reviewable. However, a petition to recall the Governor shall  
42 also contain the name of the Lieutenant Governor. Proponents  
43 have 120 days to circulate and file the signed petitions.

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

HB 9

2012

56 the date the signature on the form is verified as valid. The  
57 supervisor may verify that the signature on a form is valid only  
58 if:

59 (a) The form contains the original signature of the  
60 purported elector.

61 (b) The purported elector has accurately recorded on the  
62 form the date on which he or she signed the form.

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

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

70  
71 The supervisor shall retain the signature petitions for at least  
72 1 year after the conclusion of the recall process.

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

83 (6) The ballots for the recall election of any person

HB 9

2012

84 other than the Governor shall state: "Shall .... be removed from  
85 the office of .... by recall?" followed by the word "yes" and  
86 also by the word "no." Immediately thereafter, the names of the  
87 candidates who are seeking to fill the remainder of that term of  
88 office, if vacated, shall be listed.

89 (7) The ballots for the recall election of the Governor  
90 shall state: "Shall .... be removed from the office of Governor  
91 and shall .... be removed from the office of Lieutenant Governor  
92 by recall?" followed by the word "yes" and also by the word  
93 "no." Immediately thereafter, the names of the joint candidates  
94 for Governor and Lieutenant Governor who are seeking to fill the  
95 remainder of that term of office, if vacated, shall be listed.  
96 Neither the Governor nor the Lieutenant Governor may appear on  
97 the ballot as a candidate for either office. The removal of the  
98 Governor from office includes the removal of the Lieutenant  
99 Governor.

100 (8) The Secretary of State, as chief election officer of  
101 the state, may adopt rules to administer this section.

102 Section 2. This act shall take effect on the effective  
103 date of House Joint Resolution 7, or a similar joint resolution  
104 having substantially the same specific intent and purpose, if  
105 that joint resolution is approved by the electors at the general  
106 election to be held in November 2012.