

HB 1605

2021

1 A bill to be entitled
2 An act relating to the recall of county commissioners;
3 amending s. 100.361, F.S.; providing that any member
4 of the governing body of a noncharter county may be
5 removed from office by the electors of the noncharter
6 county; conforming provisions to changes made by the
7 act; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (1) and paragraphs (f) and (g) of
12 subsection (2) of section 100.361, Florida Statutes, are amended
13 to read:

14 100.361 Municipal, charter county, and noncharter county
15 recall.—

16 (1) APPLICATION; DEFINITION.—Any member of the governing
17 body of a municipality, ~~or~~ charter county, or noncharter county,
18 hereinafter referred to in this section as "municipality," may
19 be removed from office by the electors of the municipality. When
20 the official represents a district and is elected only by
21 electors residing in that district, only electors from that
22 district are eligible to sign the petition to recall that
23 official and are entitled to vote in the recall election. When
24 the official represents a district and is elected at-large by
25 the electors of the municipality, all electors of the

26 | municipality are eligible to sign the petition to recall that
 27 | official and are entitled to vote in the recall election. Where
 28 | used in this section, the term "district" shall be construed to
 29 | mean the area or region of a municipality from which a member of
 30 | the governing body is elected by the electors from such area or
 31 | region. Members may be removed from office pursuant to the
 32 | procedures provided in this section. This method of removing
 33 | members of the governing body of a municipality is in addition
 34 | to any other method provided by state law.

35 | (2) RECALL PETITION.—

36 | (f) Filing of signed petitions.—All signed petition forms
 37 | shall be filed at the same time, no later than 30 days after the
 38 | date on which the first signature is obtained on the petition.
 39 | The person designated as chair of the committee shall file the
 40 | signed petition forms with the auditor or clerk of the
 41 | municipality, ~~or~~ charter county, or noncharter county, or his or
 42 | her equivalent, hereinafter referred to as "clerk." The petition
 43 | may not be amended after it is filed with the clerk.

44 | (g) Verification of signatures.—

45 | 1. Immediately after the filing of the petition forms, the
 46 | clerk shall submit such forms to the county supervisor of
 47 | elections. No more than 30 days after the date on which all
 48 | petition forms are submitted to the supervisor by the clerk, the
 49 | supervisor shall promptly verify the signatures in accordance
 50 | with s. 99.097, and determine whether the requisite number of

51 | valid signatures has been obtained for the petition. The
52 | committee seeking verification of the signatures shall pay in
53 | advance to the supervisor the sum of 10 cents for each signature
54 | checked or the actual cost of checking such signatures,
55 | whichever is less.

56 | 2. Upon filing with the clerk, the petition and all
57 | subsequent papers or forms required or permitted to be filed
58 | with the clerk in connection with this section must, upon
59 | request, be made available in alternative formats by the clerk.

60 | 3. If the supervisor determines that the petition does not
61 | contain the requisite number of verified and valid signatures,
62 | the clerk shall, upon receipt of such written determination, so
63 | certify to the governing body of the municipality, ~~or~~ charter
64 | county, or noncharter county and file the petition without
65 | taking further action, and the matter shall be at an end. No
66 | additional names may be added to the petition, and the petition
67 | shall not be used in any other proceeding.

68 | 4. If the supervisor determines that the petition has the
69 | requisite number of verified and valid signatures, then the
70 | procedures outlined in subsection (3) must be followed.

71 | Section 2. This act shall take effect on the effective
72 | date of the amendment to the State Constitution proposed by HJR
73 | 1603 or a joint resolution having substantially the same
74 | specific intent and purpose, if such amendment to the State
75 | Constitution is approved at the next general election or at an

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76 | earlier special election specifically authorized by law for that
77 | purpose.