

By Senator Farmer

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 5 of Article IV of the State Constitution to provide a process for the recall of the governor, the lieutenant governor, and members of the cabinet.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 5 of Article IV 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 IV

EXECUTIVE

SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms; recall.-

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

34-00318-22

20221630__

30 (b) When elected, the governor, lieutenant governor and
31 each cabinet member must be an elector not less than thirty
32 years of age who has resided in the state for the preceding
33 seven years. The attorney general must have been a member of the
34 bar of Florida for the preceding five years. No person who has,
35 or but for resignation would have, served as governor or acting
36 governor for more than six years in two consecutive terms shall
37 be elected governor for the succeeding term.

38 (c) The governor, lieutenant governor, and each cabinet
39 member is subject to recall from office by electors who are
40 registered and qualified to vote in the recall election.

41 (d) The power to recall the governor, the lieutenant
42 governor, or a cabinet member may be invoked by filing with the
43 custodian of state records a petition signed by a number of
44 electors equal to 25 percent of the votes cast in the last
45 preceding gubernatorial election. A separate petition must be
46 circulated for each officer sought to be recalled; however, if
47 the governor is recalled, the lieutenant governor is also
48 recalled.

49 (1) A proposed recall must be submitted to the electors at
50 a general election held more than sixty days, but not later than
51 one hundred twenty days, after the petition for recall is filed
52 with the custodian of state records. The recall must be the only
53 question on the ballot.

54 (2) Upon certification that the proposed recall was
55 approved by vote of a majority of the electors voting on the
56 measure, the recalled officer is removed from office.

57 (3) After a successful recall, vacancies of any office must
58 be filled by a process provided by law until a special election

34-00318-22

20221630__

59 can be held to fill the office.

60 (4) A special election to fill the vacated office must be
61 held no more than sixty days after a successful recall election
62 is certified. Candidates elected to fill offices vacated as a
63 result of a successful recall election shall serve for the
64 remainder of the term of the recalled officer.

65

66 BE IT FURTHER RESOLVED that the following statement be
67 placed on the ballot:

68

CONSTITUTIONAL AMENDMENT

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ARTICLE IV, SECTION 5

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71 RECALL OF STATEWIDE EXECUTIVE BRANCH OFFICERS.-Proposing an
72 amendment to the State Constitution to provide a process for the
73 recall of the governor, the lieutenant governor, and members of
74 the cabinet. This amendment does not recall any officer, but
75 instead creates a process that would allow for the future recall
of specified executive branch officers.