

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 Cabinet,
 5 and legislators; requiring that proponents of the recall
 6 register as a political committee; prescribing the methods
 7 and timeframes for initiating and conducting the recall;
 8 providing ballot language; providing that the removal of
 9 the Governor from office includes the removal of the
 10 Lieutenant Governor; authorizing the adoption of rules;
 11 providing a contingent effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 100.365, Florida Statutes, is created
 16 to read:

17 100.365 Recall election of Governor, Lieutenant Governor,
 18 members of the Cabinet, and legislators.—

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

27 (2) The proponent of a recall petition shall, prior to
 28 obtaining any signatures, register as a political committee

HB 787

2011

29 pursuant to s. 106.03 and submit the text of the proposed recall
30 petition to the Secretary of State, with the form on which the
31 signatures will be affixed, and obtain the approval of the
32 Secretary of State of such form. The Secretary of State shall
33 prescribe by rule the style and requirements of the form in
34 accordance with this section and s. 8, Art. VI of the State
35 Constitution.

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

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

57 if:

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

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

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

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

69
 70 The supervisor shall retain the signature petitions for at least
 71 1 year after the conclusion of the recall process.

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

82 (6) The ballots for the recall election of any person
 83 other than the Governor shall state: "Shall be removed from
 84 the office of by recall?" followed by the word "yes" and

HB 787

2011

85 also by the word "no." Immediately thereafter, the names of the
86 candidates who are seeking to fill the remainder of that term of
87 office, if vacated, shall be listed.

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

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

101 Section 2. This act shall take effect on the effective
102 date of an amendment to the State Constitution approved by the
103 electors at the general election to be held in November 2012
104 which authorizes, or removes impediment to, enactment by the
105 Legislature of the provisions of this act.