

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

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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

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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.