

By Senator Gruters

23-00848A-22

20221938\_\_

1                   A bill to be entitled  
2           An act relating to the recall of county officials;  
3           amending s. 100.361, F.S.; providing that members of  
4           the governing body of a noncharter county may be  
5           removed from office by the electors of the county;  
6           making technical changes; providing a contingent  
7           effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

10  
11           Section 1. Subsection (1) and paragraphs (d), (f), and (g)  
12           of subsection (2) of section 100.361, Florida Statutes, are  
13           amended to read:

14           100.361 Municipal and county official recall.—

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

23-00848A-22

20221938\_\_

30 from such area or region. Members may be removed from office  
31 pursuant to the procedures provided in this section. This method  
32 of removing members of the governing body of a municipality is  
33 in addition to any other method provided by state law.

34 (2) RECALL PETITION.—

35 (d) *Grounds for recall.*—The grounds for removal of elected  
36 ~~municipal~~ officials shall, for the purposes of this act, be  
37 limited to the following and must be contained in the petition:

- 38 1. Malfeasance.†
- 39 2. Misfeasance.†
- 40 3. Neglect of duty.†
- 41 4. Drunkenness.†
- 42 5. Incompetence.†
- 43 6. Permanent inability to perform official duties.† ~~and~~
- 44 7. Conviction of a felony involving moral turpitude.

45 (f) *Filing of signed petitions.*—All signed petition forms  
46 shall be filed at the same time, no later than 30 days after the  
47 date on which the first signature is obtained on the petition.  
48 The person designated as chair of the committee shall file the  
49 signed petition forms with the auditor or clerk of the  
50 municipality ~~or charter county~~, or his or her equivalent,  
51 hereinafter referred to as “clerk.” The petition may not be  
52 amended after it is filed with the clerk.

53 (g) *Verification of signatures.*—

- 54 1. Immediately after the filing of the petition forms, the  
55 clerk shall submit such forms to the county supervisor of  
56 elections. No more than 30 days after the date on which all  
57 petition forms are submitted to the supervisor by the clerk, the  
58 supervisor shall promptly verify the signatures in accordance

23-00848A-22

20221938\_\_

59 with s. 99.097~~7~~ and determine whether the requisite number of  
60 valid signatures has been obtained for the petition. The  
61 committee seeking verification of the signatures shall pay in  
62 advance to the supervisor the sum of 10 cents for each signature  
63 checked or the actual cost of checking such signatures,  
64 whichever is less.

65 2. Upon filing with the clerk, the petition and all  
66 subsequent papers or forms required or permitted to be filed  
67 with the clerk in connection with this section must, upon  
68 request, be made available in alternative formats by the clerk.

69 3. If the supervisor determines that the petition does not  
70 contain the requisite number of verified and valid signatures,  
71 the clerk shall, upon receipt of such written determination, so  
72 certify to the governing body of the municipality ~~or charter~~  
73 ~~county~~ and file the petition without taking further action, and  
74 the matter shall be at an end. No additional names may be added  
75 to the petition, and the petition shall not be used in any other  
76 proceeding.

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

80 Section 2. This act shall take effect on the effective date  
81 of the amendment to the State Constitution proposed by SJR 1004  
82 or a similar joint resolution having substantially the same  
83 specific intent and purpose, if such amendment to the State  
84 Constitution is approved at the next general election or at an  
85 earlier special election specifically authorized by law for that  
86 purpose.